STATUTORY INSTRUMENTS

# 1980 No. 919

# EDUCATION, ENGLAND AND WALES

## The Teachers' Superannuation (Amendment) Regulations 1980

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|---|---|
| *Made* - - - - | 1*st July* 1980 |
| *Laid before Parliament* | 10*th July* 1980 |
| *Coming into Operation* | 4*th August* 1980 |

The Secretary of State, in exercise of the powers conferred by sections 9 and 12 of the Superannuation Act 1972(**a**) and Schedule 3 thereto, after consulting with representatives of the local education authorities, teachers and other persons likely to be affected in accordance with section 9(5) of the said Act and with the consent of the Minister for the Civil Service, hereby makes the following Regulations:—

### PART I

### GENERAL

**1.**—(1) These Regulations may be cited as the Teachers' Superannuation (Amendment) Regulations 1980.

(2) These Regulations shall come into operation on 4th August 1980 and shall have effect—

(*a*) for the purposes of Part II thereof, as from 1st January 1977;

(*b*) for the purposes of Part III thereof, as from 6th April 1978;

(*c*) for the purposes of Part IV thereof, as from 4th August 1980.

**2.** In these Regulations a reference to the principal Regulations is a reference to the Teachers' Superannuation Regulations 1976(**b**).

**3.**—(1) This Regulation shall be construed as one with the principal Regulations and the reference in paragraph (2) to protected benefit is a reference to any benefit which is being paid or may become payable under the principal Regulations to or in respect of a teacher who is not employed in reckonable service on or after 4th August 1980 (including a teacher who died before that date).

(2) Where in relation to any protected benefit a person is placed in a worse position than that in which he would have been had the principal Regulations not been amended by these Regulations he may, by notice in writing given to the Secretary of State, elect that the principal Regulations shall have effect in relation to him as if these Regulations had not been made and, in such case, the principal Regulations shall so have effect.

(**a**) 1972 c. 11.

(**b**) S.I. 1976/1987; the relevant amending instruments are S.I. 1978/422, 1422; 1979/1206.

## PART II

### AMENDMENTS TAKING EFFECT AS FROM 1ST JANUARY 1977

**4.**—(1) After Regulation 3(3) of the principal Regulations (definitions) there shall be inserted the following provisions:—

"(3A) For the purposes of these regulations a teacher is qualified (or qualified by service) for any benefit if, on the day following his ceasing to be employed in reckonable service, he is entitled to payment thereof or would be so entitled but for his age.

(3B) For the purposes of these regulations a teacher shall be taken to cease to be employed in reckonable service on the last day he is so employed.".

(2) At the beginning of paragraph (7)(*a*) of the said Regulation 3 there shall be inserted the words "Subject to paragraph (9),".

(3) At the end of the said Regulation 3 there shall be added the following provision:—

"(9) In the case of a teacher serving as mentioned in paragraph 13 of Schedule 1 (European schools), no account shall be taken for the purposes of paragraph (7) of any sums payable, or any benefit provided, otherwise than by the Secretary of State.".

**5.**—(1) In paragraph (2)(*d*) of Regulation 4 of the principal Regulations (reckonable service) for the words "in accordance with" there shall be substituted the words "which is reckonable service by virtue of".

(2) In paragraph (3) of the said Regulation 4 for the words "A teacher shall be treated as being in full-time employment for the purposes of paragraphs (1) and (2)(*a*)" there shall be substituted the words "For the purposes of paragraph (2), a teacher shall be treated as being in such employment as is mentioned in sub-paragraph (*a*), (*b*), (*c*) or (*d*) thereof, as the case may be,".

(3) For sub-paragraph (*b*) of the said paragraph (3) there shall be substituted the following provision:—

"(*b*) he is on sick leave or, in the case of a woman, sick leave or maternity leave (recorded as such by his employer) and is entitled to at least half pay (disregarding any reduction or refund provided for by the terms of his employment) so, however, that in the case of sick leave, he has not been continuously absent on such leave for more than twelve months or, where the absence is on account of pulmonary tuberculosis, for more than eighteen months;".

**6.** For Regulation 15 of the principal Regulations (payment of teachers' contributions) there shall be substituted the Regulation set out in Annex 1 hereto.

**7.**—(1) In paragraph (1) of Regulation 61 of the principal Regulations (benefits after re-employment)—

(*a*) for the words "have become payable by virtue of regulation 53(1)(*a*) or (*b*) or a previous provision to the like effect" there shall be substituted the words ", other than incapacity allowances, have become payable";

(*b*) for the words following "reduced" in sub-paragraph (*b*) there shall be substituted the words "as provided in paragraph (4A).".

(2) In paragraph (3) of the said Regulation 61—

(*a*) for the words "allowances have become payable by virtue of regulation 53(1)(*c*) or a previous provision to the like effect" there shall be substituted the words "incapacity allowances have become payable";

(*b*) for the words following "reduced" in sub-paragraph (*b*) there shall be substituted the words "as provided in paragraph (4A).".

(3) After paragraph (4) of the said Regulation 61 there shall be inserted the following provision:—

"(4A) In the case of a teacher to whom there has become payable—

(*a*) an additional allowance (by virtue of regulation 53(1)(*a*), (*b*) or (*c*) or of this regulation), or

(*b*) a short-service gratuity (by virtue of regulation 57),

("previous benefit") and who has again become employed in reckonable service, any additional allowance or short-service gratuity which subsequently becomes payable to him as aforesaid shall be reduced by the amount of his previous benefit (any deduction therefrom under regulation 40 or 45 being disregarded).".

(4) At the end of the said Regulation 61 there shall be added the following provision:—

"(6) In this regulation—

(*a*) a reference to an incapacity allowance is a reference to an allowance payable by virtue of regulation 53(1)(*c*) or by virtue of paragraph (3) of this regulation in the circumstances mentioned in paragraph (4)(*a*);

(*b*) except where the context otherwise requires, a reference to any provision of these regulations includes a reference to a previous provision to the like effect.".

**8.**—(1) In Regulation 62 of the principal Regulations (interpretation of section B) for the word "Part" there shall be substituted the word "section".

(2) At the end of the said Regulation 62 there shall be added the following provision:—

"(*d*) 'non-member' has the meaning assigned thereto by regulation 36.".

**9.** In Regulation 68(*b*) of the principal Regulations (special pension for widow) the words "(within the meaning of section C of Part II)" shall be omitted.

**10.**—(1) For paragraph (3) of Regulation 74 of the principal Regulations (allocation of annual allowance) there shall be substituted the following provision:—

"(3) No declaration shall take effect in the case of a teacher before he has—

(*a*) attained (subject to paragraph (7)) the age of 60, and

(*b*) completed so much service as is specified in regulation 53(1)(*a*) or (*b*);

but notice of intention to make an allocation may be given (for the purposes of paragraph 3(*a*) of Schedule 6) at any time within, but not earlier than, the four months preceding the earliest date on which a declaration could take effect under this paragraph.".

(2) In paragraph (4) of the said Regulation 74 the words "or that of his 60th birthday, whichever is the later" shall be omitted.

(3) In paragraph (6) of the said Regulation 74 after the words "begins to accrue or" there shall be inserted the words "(subject to paragraph (7))".

(4) At the end of the said Regulation 74 there shall be added the following provision:—

"(7) In the case of a teacher to whom regulation 53A applies, paragraphs (3)(*a*) and (6), shall have effect as if the references therein to the age of 60 and the teacher's 60th birthday were references to the age of 50 and his 50th birthday.".

**11.** In Regulation 79 of the principal Regulations (deferment etc. of benefits) for the word "sector" there shall be substituted the word "service".

**12.** Section 8(2)(*a*) of the Pensions (Increase) Act 1971(**a**) (date of accrual of earnings related pension) shall apply in respect of any pension payable under the principal Regulations based on the average salary of the teacher and, accordingly, Regulation 98(2) of the principal Regulations (which disapplied the said section 8(2)(*a*)) is hereby revoked.

**13.**—(1) In paragraph 6 of Part 1 of Schedule 1 to the principal Regulations (employment which is reckonable service) for the words following the words "section 64 of the Children and Young Persons Act 1969" there shall be substituted the following provision:—

"(2) This paragraph shall apply only in the case of—

(*a*) a qualified teacher within the meaning of the Schools Regulations 1959 or of regulations relating to teachers at schools for the time being in force under section 27(1)(*a*) of the Education Act 1980(**b**); or

(*b*) a teacher who was previously employed in reckonable service; or

(*c*) a teacher recognised by the appropriate Minister as qualified to teach in such a home or school as aforesaid.".

(2) In paragraph 7 of the said Part 1 the words "by the Secretary of State for the Home Department" shall be omitted.

(3) In paragraph 9 of the said Part 1 for the words "the Secretary of State" there shall be substituted the words "the appropriate Minister".

(4) In paragraph 10 of the said Part 1 for the words "the Secretary of State" there shall be substituted the words "the appropriate Minister".

(5) In paragraph 11 of the said Part 1 for the words "the Secretary of State for Employment", in both places where they occur, there shall be substituted the words "the appropriate Minister" and the words "for Education and Science" shall be omitted.

(6) In paragraph 13 of the said Part 1 after the words "the Secretary of State" there shall be inserted the words "or the appropriate Minister" and at the end there shall be added the words "or with the governors of the school in Munich established in pursuance of the Supplementary Protocol (to the Protocol on the setting up of European Schools) signed at Luxembourg on 15th December 1975.".

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(**a**) 1971 c. 56.

(b) 1980 c. 20.

(7) At the end of the said Part 1 there shall be added the following note:—

"NOTE: In this Part any reference to the Secretary of State includes, in relation to a period before 1st April 1964, a reference to the Minister of Education and the expression 'the appropriate Minister' means such other Minister of the Crown (whether or not a Secretary of State) as, at the relevant time, had relevant functions and responsibilities.".

## PART III

### AMENDMENTS TAKING EFFECT AS FROM 6TH APRIL 1978

**14.**—(1) For paragraph 1 of Part 1 of Schedule 7 to the principal Regulations (transfer values) there shall be substituted the following provision (which, as respects the period before 1st April 1979, shall have effect subject to paragraph (2) below).

"1.—(1) Subject to sub-paragraphs (2) to (5), the transfer value payable in respect of any teacher shall be of the aggregate amount of—

(*a*) a sum in respect of accrued gross pension reduced on account of national insurance modification by a sum calculated in accordance with paragraph 4;

(*b*) a sum in respect of accrued lump sum, and

(*c*) a sum in respect of accrued widow's pension,

calculated, in each case, in accordance with paragraph 2.

(2) Where a contributions equivalent premium (within the meaning of section 42 of the Social Security Pensions Act 1975(**a**)) is paid in respect of the teacher, the transfer value calculated in accordance with sub-paragraph (1) shall be reduced by the amount of that premium.

(3) Where the teacher ceased to be employed in reckonable service on or after 6th April 1978 and such a contributions equivalent premium is not paid in respect of him, the transfer value calculated in accordance with sub-paragraph (1) shall be reduced by the annual value of his guaranteed minimum allowance at the date he ceased to be employed in reckonable service multiplied by the factor set opposite his age at that date in the second column (or, in the case of a woman, in the third column) of the Table in Appendix I; and, for the purposes of this sub-paragraph, the annual value of a guaranteed minimum allowance shall be taken to be the weekly value thereof multiplied by 52·18.

(4) Where the teacher ceased to be employed in reckonable service on or after 1st April 1977 and the transfer value is not paid before the expiry of the period of 6 months beginning with the day after the date on which he so ceased to be employed, the transfer value calculated as aforesaid shall be increased by compound interest thereon, in respect of each complete period of 3 months on and after that date ending before the date of payment, calculated with 3 monthly rests at the rate of 9% per annum.

(5) Where the teacher ceased to be employed in reckonable service before 1st April 1977, the transfer value calculated in accordance with sub-paragraph (1) shall be increased by compound interest thereon—

(*a*) in respect of each complete period of a year after the date on which he so ceased to be employed and ending before 1st April 1977, calculated with yearly rests at the rate of 6% per annum, and

(**a**) 1975 c. 60.

(*b*) in respect of each complete period of 3 months on and after 1st April 1977 and ending before the date of payment, calculated with 3 monthly rests at the rate of 9% per annum.".

(2) As respects the period beginning on 6th April 1978 and ending immediately before 1st April 1979, paragraph 1 of Part 1 of the said Schedule 7, amended as aforesaid, shall have effect as if for sub-paragraphs (4) and (5) thereof there were substituted the following provision:—

"(4) The transfer value calculated as aforesaid shall be increased by compound interest thereon, in respect of each complete period of a year beginning with the day after the date on which the teacher ceased to be employed in reckonable service and ending before the date of payment, calculated with yearly rests at the rate of 6% per annum.".

**15.**—(1) The Appendix to the said Schedule 7 shall stand as Appendix II and for the reference thereto in Note 1 to Part 1 of that Schedule there shall be substituted a reference to Appendix II.

(2) After Part 2 of the said Schedule 7 there shall be inserted the Appendix set out in Annex 2 hereto.

## PART IV

### AMENDMENTS TAKING EFFECT AS FROM 4TH AUGUST 1980

**16.**—(1) In paragraph (1)(*a*) of Regulation 5 of the principal Regulations (part-time service) for the words "paragraphs 1 to 5" there shall be substituted the words "paragraphs 1 to 7, 11 and 17".

(2) For paragraph (1)(*c*) of the said Regulation 5 there shall be substituted the following provision:—

"(*c*) teacher employed by a local education authority to provide either primary or secondary education otherwise than at school (in pursuance of section 56 of the Education Act 1944(**a**)) or further education at a prison, remand centre, detention centre, Borstal institution or attendance centre within the meaning of the Prison Act 1952(**b**).".

(3) In paragraph (5)(iv) of the said Regulation 5 the words "in employment in a capacity specified in paragraph 4 or 5 of Schedule 1" shall be omitted and at the end there shall be added the words "being, in the case of service before 4th August 1980, service in a capacity specified in paragraph 4 or 5 of Schedule 1;".

(4) At the end of paragraph (5) of the said Regulation 5 there shall be added the following provision:—

"(v) in employment under a contract which expresses the remuneration of the teacher in terms of an hourly rate or of capitation fees.".

**17.** For Regulation 23 of the principal Regulations (modification of Regulation 22 in certain cases) there shall be substituted the Regulation set out in Annex 3 hereto.

**18.** In Regulation 36 of the principal Regulations (interpretation of section C) the definition of the expression "notional service" shall be omitted.

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(**a**) 1944 c. 31. (b) 1952 c. 52.

**19.**—(1) In paragraph (2) of Regulation 46 of the principal Regulations (repayment of contributions on cessation of employment) after the words "a teacher" there shall be inserted the words "who ceased to be employed in reckonable service before 6th April 1980 and".

(2) In paragraph (3) of the said Regulation 46 after the words "a teacher" there shall be inserted the words "who ceased to be employed in reckonable service before 6th April 1980".

**20.**—(1) In paragraph (2) of Regulation 47 of the principal Regulations (repayment of contributions at age 70) after the words "a teacher" there shall be inserted the words "who ceased to be employed in reckonable service before 6th April 1980 and".

(2) In paragraph (3) of the said Regulation 47 after the words "a teacher" there shall be inserted the words "who ceased to be employed in reckonable service before 6th April 1980".

**21.**—(1) In paragraph (1) of Regulation 49 of the principal Regulations (calculation of repayment under Regulations 46 to 48) for the words "of the contributions paid by the teacher" there shall be substituted the word "sum".

(2) For paragraph (2) of the said Regulation 49 there shall be substituted the following provision:—

"(2) The aggregate sum referred to in paragraph (1) is the aggregate of the following amounts—

(*a*) the amount of any contributions in respect of a period of reckonable service paid as teacher's contributions by the teacher concerned (or treated as so paid), together with compound interest at 3% per annum with yearly rests, from the first day of the financial year following that to which they were attributable under the provisions in force at the time they were paid until the date of calculation;

(*b*) where the teacher concerned is credited with reckonable service by virtue of interchange provisions and the receipt of a transfer value in respect of a period of previous service or employment in any capacity (other than such service as is mentioned in paragraph (4)), the amount of any award by way of repayment of contributions (however described) which would have been made to him at the end of that period of previous service or employment had he voluntarily retired therefrom in circumstances entitling him to such an award or payment under the superannuation arrangements applicable thereto, together with compound interest at 3% per annum with yearly rests from the date on which the transfer value was received until the date of calculation.".

**22.** In Regulation 53(1)(*b*) of the principal Regulations (entitlement to allowances) after the words "specified in Schedule 5" there shall be inserted the words "which began before 14th January 1973".

**23.** In Regulation 57(2) of the principal Regulations (short service gratuities) after the words "of the teacher's" there shall be inserted the word "average".

**24.** For Regulation 63 of the principal Regulations (short term pensions) there shall be substituted the Regulation set out in Annex 4 hereto.

**25.**—(1) For paragraph (2)(*b*) of Regulation 64 of the principal Regulations (entitlement to long term pension) there shall be substituted the following provision:—

"(*b*) his reckonable service includes service on or after 6th April 1978 during a period in respect of which he has an earner's guaranteed minimum (within the meaning of section 35 of the Social Security Pensions Act 1975) being a period in respect of which, in pursuance of section 42 of the Social Security Pensions Act 1975, a contributions equivalent premium cannot be, or is not, paid by the Secretary of State.".

(2) At the end of the said Regulation 64 there shall be added the following provision:—

"(4) In relation to a teacher who died before 4th August 1980 paragraph (2)(*b*) shall have effect as if the words "during a period in respect of which he has an earner's guaranteed minimum (within the meaning of section 35 of the Social Security Pensions Act 1975) being a period" and the words "cannot be, or" were omitted therefrom.".

**26.**—(1) In paragraph (4)(*a*) of Regulation 70 of the principal Regulations (duration of pensions) after the words "who has attained" there shall be inserted the word "insured".

(2) In paragraph (4A) of the said Regulation 70—

(*a*) for the word "cohabit" there shall be substituted the words "live as husband and wife", and

(*b*) for the word "cohabiting" there shall be substituted the word "living".

(3) In paragraph (4B) of the said Regulation 70 for the word "cohabit" there shall be substituted the words "live as husband and wife with a person to whom he or she is not married".

**27.** For Regulation 72(1) of the principal Regulations (counting reckonable service for benefit) there shall be substituted the following provisions:—

"(1) War service shall—

(*a*) be disregarded for the purposes of determining whether or not a person is entitled to any benefit under this Part ("qualifying purposes"), but

(*b*) count as to a half of the period thereof as reckonable service for the purposes of calculating any such benefit ("calculating purposes").

(1A) For both qualifying and calculating purposes—

(*a*) where a proportion only of the contributions due in respect of a period of reckonable service has been paid, unless the Secretary of State otherwise directs only the proportionate part of that period shall be counted;

(*b*) where contributions due in respect of a period of reckonable service have not been paid by the teacher, unless the Secretary of State otherwise directs that period shall be disregarded, and

(*c*) where contributions paid by a teacher in respect of a period of reckonable service have been repaid, or are required to be repaid (where regulation 46(4) applies, the teacher having applied therefor), in pursuance of Section D of Part II, that period shall be disregarded unless the contributions have been returned to the Secretary of State in pursuance of regulation 19.

(1B) For calculating purposes, where in respect of a period of reckonable service, an annuity has been paid to a teacher, under regulation 46(2) or 47(2), that period shall be disregarded.

(1C) Any reference in the preceding provisions of this regulation to a provision of these regulations shall be construed as including a reference to a previous provision to the like effect.".

**28.** For Regulation 73 of the principal Regulations (modification for teachers on reduced salary) there shall be substituted the Regulation set out in Annex 5 hereto.

**29.**—(1) For sub-paragraphs (*a*) and (*b*) of paragraph 22 of Part 2 of Schedule 1 to the principal Regulations (service reckonable at option of the teacher) there shall be substituted the following provisions:—

"(*a*) in the case of a person employed by a body specified in Part 1 of the list, within three months of the date of his becoming employed by that body;

(*b*) in the case of a person employed by a body specified in Part 2 of the list, within three months of the date so specified in the entry relating to that body or of the date of his becoming employed by that body, whichever is the later.".

(2) For Part 2 of the list in the said paragraph 22 there shall be substituted the following provision:—

"Part 2

The Technician Education Council (1st January 1977)

The Business Education Council (1st January 1977)

The Catholic Education Council (1st January 1977)

A Roman Catholic Diocesan Schools Commission (1st January 1977)

The Spastics Society (1st January 1977)

The Royal National Institute for the Blind (1st January 1977)

A Diocesan Education Committee established under the Diocesan Education Committees Measure 1955 (1st January 1977)

The National Nursery Examination Board (1st January 1977)

The National Society for Promoting Religious Education (4th August 1980)

The Independent Schools Careers Organisation (4th August 1980)

The Association of Christian Teachers (4th August 1980).".

**30.**—(1) In paragraph 3 of Schedule 6 to the principal Regulations (allocation declarations) for the words "within three months (or, in the case of a teacher resident outside England and Wales, four months) of the delivery of a form of declaration to him under paragraph 5(2)" there shall be substituted the words "and given to the Secretary of State within the period specified by the Table below".

(2) In the Table at the end of the said Schedule 6, after the entry relating to paragraph 3(*a*), there shall be inserted the entry contained in the following Table:—

| Paragraph | Subject matter | Retiring teacher | Continuing or retired teacher |
|---|---|---|---|
| 3 | Declaration of allocation | Within three months (or, in the case of a teacher resident outside England and Wales, four months) of his being notified by the Secretary of State as mentioned in paragraph 5(1) | As for a retiring teacher |

**31.** In paragraph 3(3) of Schedule 9 to the principal Regulations (modifications relating to national insurance) for the words "regulation 72(*b*)" there shall be substituted the words "regulation 72(1A)(*a*)".

**32.** Without prejudice to sections 17(2)(*a*) and 23 of the Interpretation Act 1978(**a**), in paragraph 9 of the Schedule to the Teachers' Superannuation (Policy Schemes) Regulations 1979(**b**) for the references to Regulation 72(1) of the principal Regulations and to sub-paragraphs (*b*) and (*c*)(*i*) thereof there shall be substituted, respectively, references to Regulation 72(1A) of those Regulations (as amended by Regulation 27 of these Regulations) and to sub-paragraphs (*a*) and (*b*) thereof.

ANNEX 1 Regulation 6

REGULATION SUBSTITUTED FOR REGULATION 15 OF THE PRINCIPAL REGULATIONS WITH EFFECT FROM 1ST JANUARY 1977

*Payment of teacher's contributions*

**15.**—(1) The employer of a teacher employed in reckonable service shall deduct from every payment of salary made to him in the course of a financial year—

(*a*) the contributions payable by the teacher in respect of that payment, and

(*b*) in so far as the employer has failed to deduct contributions so payable in respect of previous payments so made in the course of that year, those contributions;

and any contributions so deducted shall be paid to the Secretary of State.

(2) There shall be payable to the Secretary of State by a teacher—

(*a*) any contributions in respect of payments of salary which the employer making those payments has failed to deduct in accordance with paragraph (1), and

(*b*) if he has been served by the Secretary of State with a notice specifying the amount of such contributions and has not paid that amount before the day following the expiry of six weeks after service, compound interest on the unpaid amount computed in accordance with regulation 17(3).

(3) Without prejudice to any other method of recovery, any sum due to the Secretary of State under paragraph (2) may be recovered by deduction from any benefit payable to the teacher (or, after his death, to his personal representatives).

(a) 1978 c. 30. (b) S.I. 1979/47.

## ANNEX 2

*Regulation 15(2)*

APPENDIX INSERTED AFTER PART 2 OF SCHEDULE 7 TO THE PRINCIPAL REGULATIONS WITH EFFECT FROM 6TH APRIL 1978

### APPENDIX I

REDUCTION OF TRANSFER VALUE IN RESPECT OF GUARANTEED MINIMUM ALLOWANCE

| Age | Factor—men | Factor—women |
|---|---|---|
| less than 20 | 1·47 | 2·20 |
| 20 | 1·50 | 2·24 |
| 21 | 1·53 | 2·28 |
| 22 | 1·56 | 2·32 |
| 23 | 1·59 | 2·36 |
| 24 | 1·62 | 2·40 |
| 25 | 1·65 | 2·45 |
| 26 | 1·68 | 2·50 |
| 27 | 1·71 | 2·55 |
| 28 | 1·74 | 2·60 |
| 29 | 1·78 | 2·66 |
| 30 | 1·81 | 2·71 |
| 31 | 1·85 | 2·77 |
| 32 | 1·88 | 2·82 |
| 33 | 1·92 | 2·88 |
| 34 | 1·95 | 2·93 |
| 35 | 1·99 | 2·99 |
| 36 | 2·02 | 3·05 |
| 37 | 2·06 | 3·11 |
| 38 | 2·10 | 3·17 |
| 39 | 2·14 | 3·24 |
| 40 | 2·18 | 3·31 |
| 41 | 2·22 | 3·38 |
| 42 | 2·26 | 3·45 |
| 43 | 2·30 | 3·52 |
| 44 | 2·34 | 3·59 |
| 45 | 2·39 | 3·66 |
| 46 | 2·44 | 3·74 |
| 47 | 2·48 | 3·82 |
| 48 | 2·53 | 3·90 |
| 49 | 2·58 | 3·98 |
| 50 | 2·62 | 4·06 |
| 51 | 2·67 | 4·15 |
| 52 | 2·72 | 4·24 |
| 53 | 2·78 | 4·33 |
| 54 | 2·84 | 4·43 |
| 55 | 2·90 | 4·53 |
| 56 | 2·97 | 4·63 |
| 57 | 3·04 | 4·74 |
| 58 | 3·12 | 4·85 |
| 59 | 3·20 | 4·97 |
| 60 | 3·28 | 5·10 |
| 61 | 3·36 | 5·30 |
| 62 | 3·44 | 5·60 |
| 63 | 3·53 | 6·00 |
| 64 | 3·64 | 6·40 |
| more than 64 | 3·80 | 6·80 |

*Regulation 17*

## ANNEX 3

REGULATION SUBSTITUTED FOR REGULATION 23 OF THE PRINCIPAL REGULATIONS WITH EFFECT FROM 4TH AUGUST 1980

*Modification of regulation 22 in certain cases*

**23.**—(1) This regulation shall apply to a teacher—

(*a*) who is credited with service which was treated as reckonable service by virtue of regulation 75(1) or 78(2) of the 1967 regulations, or

(*b*) on last becoming employed in reckonable service was entitled in respect of any former employment to any such superannuation benefits as are mentioned in paragraph (2), whether or not they had then come into payment;

and, for the purposes hereof, "employment" includes trade, profession, vocation and office.

(2) The superannuation benefits referred to in paragraph (1)(*b*) comprise—

(*a*) any benefits by way of pension, allowance, lump sum or gratuity if, but only if, the annuity for life from the age of 60 which is the actuarial equivalent of those benefits exceeds £52 a year, and

(*b*) any benefit by way of refund of contributions (with or without interest) if, but only if, it was received by the person concerned after he had attained the age of 45 and it exceeded £2,000.

(3) In the case of a teacher to whom this regulation applies, regulation 22(1) shall have effect as if it provided that, where the permitted maximum, determined in accordance with sub-paragraph (*a*) or (*b*) thereof, would exceed the number of years hereinafter mentioned, it should not be so determined but should be the number of years so mentioned, that is to say, such number as would secure that the following aggregate did not exceed two-thirds of his average salary determined in accordance with paragraph (4), namely, the aggregate annual amount of—

(*a*) the annuity for life from the age of 60 which is the actuarial equivalent of the superannuation benefits mentioned in paragraph (1)(*b*);

(*b*) the hypothetical annual allowance mentioned in paragraph (4), and

(*c*) the annuity for life from the age of 60 which is the actuarial equivalent of the hypothetical additional allowance so mentioned.

(4) The hypothetical annual allowance and additional allowance referred to in paragraph (3) are the allowances to which the teacher would be entitled under regulation 53 on attaining the age of 60 if—

(*a*) he were then qualified therefor;

(*b*) he continued to be employed in reckonable service until attaining that age and

(*c*) his salary continued to fall to be determined in accordance with the scale applicable in his case at the date of purchase of added years;

and, for the purposes of paragraph (3), the teacher's average salary shall be his average salary on attaining the age of 60 determined on the hypotheses set out above.

*Regulation 24*

## ANNEX 4

REGULATIONS SUBSTITUTED FOR REGULATION 63 OF THE PRINCIPAL REGULATIONS WITH EFFECT FROM 4TH AUGUST 1980

*Short term pensions*

**63.**—(1) This regulation shall apply in the case of a teacher who dies—

(*a*) while employed in reckonable service;

(*b*) within one year of ceasing by reason of ill-health to be so employed, or

(*c*) while in receipt of an annual allowance.

(2) In respect of a teacher who dies as mentioned in paragraph (1)(*a*) or (*b*), a short term pension shall be paid—

(*a*) in the case of a man teacher who leaves a widow, to his widow;

(*b*) in the case of a man teacher who does not leave a widow but is survived by a person nominated by him under regulation 65(1) or a previous provision to the like effect, to that person;

(*c*) in the case of a woman teacher who is survived by a person so nominated by her (being her widower where she died before 4th August 1980), to that person;

(*d*) in the case of a man or woman teacher not falling within sub-paragraph (*a*), (*b*) or (*c*) who leaves a child or children, to or for the benefit of that child or those children jointly;

and a pension payable under this paragraph shall be paid for a period determined in accordance with paragraph (5) or (6) at the annual rate at which the teacher's salary was payable on the last day on which he was employed in reckonable service:

Provided that no pension shall be payable in respect of a teacher under this paragraph if a pension is payable in respect of him under paragraph (3).

(3) In respect of a teacher who dies as mentioned in paragraph (1)(*c*) and falls within sub-paragraph (*a*), (*b*) or (*c*) of paragraph (2) in respect of whom a pension is payable (otherwise than under this regulation or regulation 74(4)) to his widow or, as the case may be, the nominated person referred to in the sub-paragraph in question, a short term pension shall be paid to the widow or, as the case may be, nominated person; and a pension payable under this paragraph shall be paid for a period determined in accordance with paragraph (5) at the annual rate at which his annual allowance was payable immediately before his death.

(4) A pension under paragraph (2) or (3) shall begin to accrue on the day after the death of the teacher.

(5) A pension under paragraph (2) or (3) in respect of a teacher who falls within sub-paragraph (*a*), (*b*) or (*c*) of paragraph (2) shall be paid for three months unless—

(*a*) he had less than five years' service counting for benefit,

(*b*) he left a child or children, and

(*c*) the beneficiary either is the teacher's widow or widower or has the care of that child or children,

in which case the pension shall be paid for four and a half months, if he left only one child, or for six months, if he left more than one child.

(6) A pension under paragraph (2) in respect of a teacher who falls within sub-paragraph (*d*) of that paragraph shall be paid for two months, if he left only one child, or for four months, if he left more than one child.

## ANNEX 5 *Regulation 28*

### REGULATION SUBSTITUTED FOR REGULATION 73 OF THE PRINCIPAL REGULATIONS WITH EFFECT FROM 4TH AUGUST 1980

*Modifications for teachers on reduced salary*

**73.**—(1) This regulation shall apply in the case of a teacher whose average salary falls, by virtue of an election made under regulation 14(2), to be calculated by reference to his full salary within the meaning of regulation 9(6).

(2) The annual allowance payable to a teacher to whom this regulation applies shall not exceed that fraction of the sum specified in paragraph (4) as is set out in the following Table opposite the age at which he first entered reckonable service or, in the case of a teacher whose reckonable service has not been continuous, opposite an age determined by subtracting his aggregate reckonable service from sixty years:—

| Age | Fraction |
|---|---|
| Under 50 | One-half |
| 50 | Two-fifths |
| 51 | Three-tenths |
| 52 | One-fifth |
| 53 | One-tenth |
| 54 | One-fourteenth |

(3) The additional allowance payable to a teacher to whom this regulation applies who has less than twenty years' reckonable service shall not exceed three-eightieths of the sum specified in paragraph (4) multiplied by the number of years of his reckonable service aggregated (where he has nine or more years' reckonable service) with the period set out opposite thereto in the following Table:—

| Reckonable service in years | Additional period in years |
|---|---|
| 19 | 17 |
| 18 | 15 |
| 17 | 13 |
| 16 | 11 |
| 15 | 9 |
| 14 | 7 |
| 13 or less | 8 less than the period of reckonable service in years |

(4) The sum referred to in paragraphs (2) and (3) is whichever is the greater of the two following sums, namely—

(*a*) the highest amount received by way of salary by the teacher for any one of the last five years of his reckonable service;

(*b*) the highest annual average of the amount so received by the teacher for a period of three consecutive years during which he was employed in reckonable service, being a period ending not more than ten years before the date when he ceased to be so employed.

*Mark Carlisle,*
Secretary of State for
Education and Science.

1st July 1980.

Consent of the Minister for the Civil Service given under her Official Seal on 1st July 1980.

(L.S.)

*T. A. A. Hart*
Authorised by the Minister for
the Civil Service.

## EXPLANATORY NOTE

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

These Regulations amend the Teachers' Superannuation Regulations 1976; Regulation 3, however, in accordance with section 12(4) of the Superannuation Act 1972, provides that the amendments shall not apply in the cases of certain persons who so elect. Parts II and III of the Regulations have retrospective effect as from 1st January 1977 and 6th April 1978, respectively (*Regulation* 1(2)); retrospection is authorised by section 12(1) of the Act of 1972. The principal amendments are described below.

Maternity leave does not have to be recorded as sick leave to be treated as reckonable service (*Regulation* 5(3)). Section 8(2)(*a*) of the Pensions (Increase) Act 1971 (date of accrual of earnings related pension) is to apply in respect of a pension under the Regulations of 1976 notwithstanding that it was disapplied by Regulation 98(2) of those Regulations (*Regulation* 12). As mentioned above, the relevant amendments have effect as from 1st January 1977, the date on which the Regulations of 1 976 came into operation (*Regulation* 1(2)(*a*)).

Regulations 14 and 15 and Annex 2 make fresh provision as respects the calculation of transfer values. As mentioned above, the relevant amendments have effect as from 6th April 1978 (*Regulation* 1(2)(*b*)).

The categories of part-time employment which may be treated as full-time employment if a teacher so elects are extended to include such employment in certain social services establishments (including a community home), in certain institutions for the further education and training of disabled persons, by the Royal National Institute for the Blind for the purposes of its National Mobility Centre or by a local education authority for the purpose of providing further education at certain penal establishments (*Regulation* 16(1) *and* (2)). The Regulations of 1976 provide that where a teacher whose annual salary has exceeded £5,000 would otherwise be entitled to repayment of his superannuation contributions he shall instead be entitled to an actuarially equivalent annuity; that provision is restricted to teachers who cease to be employed in reckonable service before 6th April 1980 (*Regulation* 19). In calculating a repayment of superannuation contributions to a teacher entitled to reckon service by virtue of the payment of a transfer value in pursuance of interchange arrangements account is to be taken not only of his contributions as a teacher but also of his contributions in his former employment or service where under the superannuation arrangements applicable thereto he might have become entitled to a refund of contributions (*Regulation* 21). The Regulations of 1976 provide that the only person who may be entitled to a short term pension on the death of a teacher, as a person nominated by the teacher, shall be the nominated widower of a woman teacher; except in the case of a man teacher who leaves a widow, the entitlement is extended to any person nominated for the purposes of the Regulations (*Regulation* 24 *and Annex* 4). The relevant amendments have effect as from 4th August 1980, the date on which the present Regulations come into operation (*Regulation* 1(2)(*c*)).