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

1982 No. 46

EDUCATION, ENGLAND AND WALES

The Teachers' Superannuation (War Service) Regulations 1982

Made - - - - - 18th January 1982

Laid before Parliament 25th January 1982

Coming into Operation 15th February 1982

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 Treasury, hereby makes the following Regulations:—

PART I

GENERAL

1.—(1) These Regulations may be cited as the Teachers' Superannuation (War Service) Regulations 1982.

(2) These Regulations shall come into operation on 15th February 1982 and shall have effect as from 1st April 1978.

2.—(1) In these Regulations any reference to the 1976 Regulations is a reference to the Teachers' Superannuation Regulations 1976(b).

(2) In these Regulations any reference to the principal provisions is a reference to—

(a) the regulations (other than regulations extending to Scotland only) from time to time in force under section 9 of the Superannuation Act 1972, the Teachers' Superannuation Act 1967(c) or the Teachers' Superannuation Act 1965(d), and

(b) the Teachers (Superannuation) Act 1925 (e);

and any reference to reckonable service is a reference to such service within the meaning of the relevant regulations or, as the case may be, to recognised or contributory service within the meaning of the said Act of 1925.

(3) Subject as aforesaid and except where the context otherwise requires, these Regulations shall be construed as one with the 1976 Regulations without

(a) 1972 c. 11.

(b) S.I. 1976/1987.

(c) 1967 c. 12; repealed with savings by section 29 of the Superannuation Act 1972.

(d) 1965 c. 83; repealed with savings by section 17 of the Teachers' Superannuation Act 1967.

(e) 1925 c. 59; repealed with savings by section 5 of the Teachers (Superannuation) Act 1937 (c. 47), sections 2 and 8 of the Teachers' Superannuation Act 1965 and section 17 of the Teachers' Superannuation Act 1967.

prejudice, however, to the provisions of section 23(1) of the Interpretation Act 1978 (application of that Act to subordinate legislation).

(4) Without prejudice to paragraph (3), in these Regulations any reference to a teacher includes a reference to—

- (a) a teacher in receipt of an annual allowance, and
- (b) a deceased teacher.

(5) Except where the context otherwise requires, in relation to a deceased teacher, any reference to his being entitled to count or reckon service includes a reference to there being an entitlement in his case to the service being counted or reckoned and, where he died before 1st April 1978, any reference to his age on that date is a reference to the age he would have been on that date had he not so died.

3.—(1) The public service pension scheme referred to in Regulation 10 or 12(1) is an occupational pension scheme, other than one mentioned in paragraph (2), established by or under an enactment or the Royal Prerogative or a Royal Charter being a scheme—

- (a) all the particulars of which are set out in, or in a legislative instrument made under, an enactment, Royal Warrant or charter, or
- (b) which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department;

and, for the purposes hereof, the Universities Superannuation Scheme shall be treated as if it were such an occupational pension scheme.

(2) The schemes excluded from the definition in paragraph (1) are—

- (a) the schemes referred to in the first column of Schedule 1;
- (b) any Scottish or Northern Ireland teachers' scheme, that is to say—
 - (i) a scheme comprised in regulations extending to Scotland only from time to time in force under section 9 of the Superannuation Act 1972, the Teachers Superannuation (Scotland) Act 1968(a) or section 102 of the Education (Scotland) Act 1962(b) or comprised in a Teachers Superannuation Scheme (within the meaning of section 145(47) of the said Act of 1962) from time to time in force, or
 - (ii) a scheme comprised in, or in regulations or rules from time to time in force under, Article 11 of the Superannuation (Northern Ireland) Order 1972(c) or the Teachers Superannuation Acts (Northern Ireland) 1950 to 1967(d) or a 1923 Act Scheme (within the meaning of the Teachers Superannuation Act (Northern Ireland) 1950(e));

(a) 1968 c. 12; partially repealed with savings by section 29(4) of the Superannuation Act 1972.

(b) 1962 c. 47; partially repealed with savings by sections 21 and 22 of the Teachers Superannuation (Scotland) Act 1968.

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

(d) 1950 c. 33 (N.I.), 1951 c. 28 (N.I.) (in part), 1956 c. 22 (N.I.), 1963 c. 7 (N.I.), 1967 c. 3 (N.I.), partially repealed with savings by Article 25 of the Superannuation (Northern Ireland) Order 1972 (S.I. 1972/1073 (N.I. 10)).

(e) 1950 c. 33 (N.I.).

- (c) any local government scheme (including a Scottish or Northern Ireland scheme) that is to say—
- (i) a scheme comprised in, or in regulations from time to time in force under, section 7 of the Superannuation Act 1972, the Local Government (Superannuation) Acts 1937 to 1953(a), or the Local Government Superannuation (Scotland) Acts 1937 to 1953(b) or comprised in a local Act scheme (within the meaning of any of those Acts) from time to time in force, or.
 - (ii) a scheme comprised in, or in regulations or rules from time to time in force under, Article 9 of the Superannuation (Northern Ireland) Order 1972 or the Local Government (Superannuation) Acts (Northern Ireland) 1950 to 1966(c) or a local scheme (within the meaning of Article 10 of the said Order of 1972).

4. The references in Regulation 10(1)(f) and Part I of Schedule 2 to the war service provisions of a pension scheme are references to the provisions thereof (if any) analogous to those of Regulations 2 to 7 of the Teachers' Superannuation (War Service etc.) Regulations 1975(d).

5.—(1) The references in Regulations 11 and 13(2) to a person's pensionable emoluments for the purposes of a superannuation scheme are references to—

- (a) in the case of a person who on 1st April 1978 was in employment or service by reason of which he was subject to the scheme, the annual value of those of his emoluments which at that date were pensionable thereunder;
- (b) in the case of a person who on that date had ceased to be in such employment or service (including a person who had died), the annual value of the emoluments (whether actual emoluments or not and whether final or average emoluments) by reference to which any earnings-related pension payable to or in respect of him is or would be computed under the scheme (either directly or by reference to the rate of some other earnings-related pension) increased, however, according to the date on which that pension began or would have begun, by the appropriate percentage (or multiplier and further percentage) mentioned in the Schedule to the Pensions Increase (Annual Review) Order 1977(e).

(2) In paragraph (1)(b) references to an earnings-related pension and to the date on which a pension began have the meanings assigned thereto for the purposes of the Pensions (Increase) Act 1971 (f) by sections 8(2) and 17(1) thereof.

6. Where under any provision of these Regulations a teacher is entitled to count reckonable service for the purposes of the principal provisions—

- (a) any benefit by way of periodical payments payable thereunder in respect of a period on or after 1st April 1978 shall be calculated or recalculated accordingly;

(a) 1937 c. 68, 1939 c. 18 (in part), 1953 c. 25; partially repealed with savings by section 29 of the Superannuation Act 1972.

(b) 1937 c. 69, 1939 c. 18 (in part), 1953 c. 25; partially repealed with savings by section 29 of the Superannuation Act 1972.

(c) 1950 c. 10 (N.I.), 1951 c. 9 (N.I.), 1951 c. 28 (N.I.) (in part), 1966 c. 38 (N.I.) (in part); partially repealed with savings by Article 23 of the Superannuation (Northern Ireland) Order 1972 (S.I. 1972/1073 (N.I. 10)).

(d) S.I. 1975/276.

(e) S.I. 1977/1387.

(f) 1971 c. 56.

- (b) except where the teacher died before that date, any benefit by way of a lump sum shall be calculated or recalculated accordingly (in the case of an additional allowance, the reckonable service being treated as service before the beginning of October 1956), and
- (c) any transfer value which becomes or became payable thereunder in respect of a teacher who ceased to be employed in reckonable service on or after that date shall be calculated or recalculated accordingly, but no additional payment shall be made in respect of a transfer value which has been paid unless the Secretary of State is satisfied, by the person or authority to whom it would be paid, that if the additional payment were made the teacher concerned would by virtue thereof be entitled to reckon additional service for superannuation purposes.

7.—(1) Where, apart from these Regulations, a teacher would be entitled to count reckonable service by reason of his war service then, notwithstanding anything in Part II or III, he shall not be entitled so to count service thereunder.

(2) It is hereby declared that no provision of the principal provisions relating to contributions in respect of war service or the counting of such service has any application to reckonable service which a teacher is entitled to count under Part II or III.

(3) It is hereby declared that no provision relating to the reduction, by way of national insurance modification, of an annual allowance under the principal provisions has any application in relation to reckonable service which a teacher is entitled to count under Part II or III and, accordingly, such reckonable service shall be treated for the purposes of—

- (a) Schedule 9 to the 1976 Regulations;
- (b) Schedule 5 to the Teachers' Superannuation Regulations 1967(a), and
- (c) the National Insurance (Modification of Teachers' Pensions) Regulations 1948(b),

as reckonable service before 1st July 1948 or, as the case may be, before the relevant date or the date of modification for the purposes thereof.

PART II

WAR SERVICE RECKONABLE WITHOUT RECEIPT OF A TRANSFER VALUE

8.—(1) This Part shall apply, subject to a claim in that behalf being made, in the case of a teacher who—

- (a) counted reckonable service by virtue of a period of any such service or employment as is mentioned in the first column of Schedule 1 ("qualifying service") either on 1st April 1978 or, where he died before that date but after 31st August 1974, immediately before his death, and
- (b) satisfies the condition specified opposite his qualifying service in the second column of that Schedule (any reference in the condition to a period of qualifying service being a reference to the period of service or employment referred to in sub-paragraph (a)),

(a) S.I. 1967/489; the amending regulations are not relevant to the subject matter of this instrument.

(b) S.I. 1948/889; the amending regulations are not relevant to the subject matter of this instrument.

so, however, that where this Part would apply in the case of a teacher by virtue of more than one period of qualifying service, any such period other than the first shall be disregarded for the purposes of this Part and references to his qualifying service shall be construed accordingly.

(2) In relation to such a teacher the expression "war service" has, in this Part, the meaning assigned thereto in his case in the third column of Schedule 1 opposite his qualifying service.

(3) The Secretary of State may require that any claim that a teacher satisfies the condition referred to in paragraph (1)(b) or as to the duration of his war service be supported by a certificate given by or on behalf of the person responsible for the management of the pension scheme appropriate to his qualifying service and he shall be entitled to rely upon a certificate so given.

9.—(1) In the case of a teacher to whom this Part applies, the following proportion of his war service shall, subject to paragraph (2), count as reckonable service for the purposes of the principal provisions, namely—

- (a) $63\frac{2}{3}\%$ thereof, where the qualifying service is fire or police service or Northern Ireland fire or police service, or
- (b) 47% thereof, in any other case.

(2) The provisions of Schedule 2 shall have effect in relation to family benefits under the principal provisions and related matters.

PART III

WAR SERVICE RECKONABLE ON RECEIPT OF AN ADDITIONAL TRANSFER VALUE

10.—(1) This Part shall apply, subject to a claim in that behalf being made, in the case of a teacher—

- (a) with war service within the meaning of such a public service pension scheme as is mentioned in Regulation 3(1);
- (b) who ceased to be in service or employment, by reason of which he was subject to the public service pension scheme in question, at a time when he was unable to reckon service for the purposes of that scheme by virtue of his period of war service but would have become able so to reckon service had he continued in that service or employment;
- (c) in respect of whom a transfer value became payable to the Secretary of State before 1st April 1978 which took account of the service or employment referred to in sub-paragraph (b);
- (d) who, by reason of that transfer value, was on 1st April 1978 entitled to count reckonable service for the purposes of the principal provisions;
- (e) in respect of whom the Secretary of State, subject to paragraph (2), accepts an additional transfer value calculated by reference to his war service in like manner as a transfer value under Part IV falls to be calculated and paid in pursuance of such a public service pension scheme (whether or not that referred to above), and
- (f) who was alive on the date from which war service provisions (within the meaning of Regulation 4) had effect in the public service pension scheme in pursuance of which that additional transfer value is paid.

(2) The Secretary of State shall not accept an additional transfer value calculated by reference to war service within the meaning of the public service

pension scheme to which the teacher was subject by reason of previous service or employment if—

- (a) after completing that war service, and
- (b) before entering that service or employment,

he was in some other service or employment by virtue of which he was subject to some other public service pension scheme within the meaning of Regulation 3(1) and it appears to the Secretary of State likely that sub-paragraphs (a) to (f) will be satisfied in the teacher's case by reference to that other scheme and that other service or employment.

11.—(1) In the case of a teacher to whom this Part applies there shall, subject to paragraph (2), count as reckonable service for the purposes of the principal provisions a period calculated as hereinafter provided, namely—

- (a) the basic transfer value shall be determined by deducting from the additional transfer value the amount representing compound interest on the basic amount thereof;
- (b) the teacher's adjusted pensionable emoluments shall be determined by multiplying his pensionable emoluments (within the meaning of Regulation 5) for the purposes of the principal provisions by the factor set opposite his age in completed years on 1st April 1978 in the second column, or in the case of a woman, the third column, of the Table in Schedule 3;
- (c) the basic transfer value shall be divided by the adjusted pensionable emoluments and the resulting number shall be the number of years and fraction of a year comprising the period.

(2) The provisions of Schedule 2 shall have effect in relation to family benefits and related matters.

PART IV

ADDITIONAL TRANSFER VALUES PAYABLE IN RESPECT OF WAR SERVICE

12.—(1) Subject to paragraph (2), this Part shall apply in the case of a former teacher—

- (a) with war service within the meaning of Regulation 7 of the 1976 Regulations and to whom that Regulation applies;
- (b) who last ceased to be employed in reckonable service before 1st September 1974;
- (c) in respect of whom a transfer value has become payable under the principal provisions by reason of his having so ceased to be employed;
- (d) who, by reason of that transfer value, was on 1st April 1978 entitled to reckon service for the purposes of such a public service pension scheme as is mentioned in Regulation 3(1), and
- (e) who was alive on 1st September 1974.

(2) In the case of a former teacher who—

- (a) after completing his war service within the meaning aforesaid, and
- (b) before entering employment in reckonable service,

was in some other employment or service by virtue of which he was subject to a superannuation scheme, this Part shall apply only if it appears to the Secretary of State that he is not, and is not likely to become, entitled to reckon service for

superannuation purposes by reason of war service of any kind as a consequence of that employment or service (and, accordingly, without the payment of an additional transfer value under this Part).

(3) In relation to such a teacher the expression “war service” has, in the following provisions of this Part, the meaning assigned thereto by paragraph (1)(a) and the expression “new scheme” means the public service pension scheme referred to in paragraph (1)(d) to which he was subject on 1st April 1978.

13.—(1) Where the conditions specified in paragraph (2) are satisfied, the Secretary of State may pay an additional transfer value in respect of a teacher to whom this Part applies to the person responsible for the management of his new scheme (“the new pension authority”); and any such transfer value shall be calculated in accordance with Regulation 14.

(2) The conditions referred to in paragraph (1) are that the new pension authority applies for the transfer value and furnishes the Secretary of State with a statement—

- (a) certifying that, subject to the payment of the transfer value, the teacher will be entitled to reckon service for the purposes of his new scheme by reason of his war service;
- (b) certifying his pensionable emoluments for the purposes of the new scheme (within the meaning of Regulation 5), and
- (c) certifying that he was alive on 1st September 1974;

and the Secretary of State shall be entitled to rely upon any such statement so furnished.

14. The additional transfer value shall be calculated as hereinafter provided, namely—

- (a) the teacher’s pensionable emoluments (as certified under Regulation 13(2)) shall be multiplied by his war service expressed in years and a fraction of a year and an amount equal to 46½% of that product shall be determined;
- (b) the resulting amount shall be multiplied by the factor set opposite his age in completed years on 1st April 1978 in the second column, or in the case of a woman, the third column, of the Table in Schedule 3;
- (c) to the further resulting amount there shall be added an amount equal to compound interest thereon in respect of each complete period of 3 months on and after 1st April 1978 and ending before the date on which the transfer value is paid, calculated with 3-monthly rests at the rate of 9% per annum, and the sum of the two amounts shall be the amount of the transfer value.

PART V

TEACHERS PURCHASING PAST ADDED YEARS UNDER REGULATION 24 OF THE 1976 REGULATIONS

15.—(1) This Part shall apply in the case of a teacher who—

- (a) has been notified by the Secretary of State that he is entitled to count a period of reckonable service under Part II or III;

- (b) before becoming so entitled elected to purchase added years under Regulation 24 of the 1976 Regulations or a previous provision to the like effect, and
- (c) as a result of becoming so entitled either—
 - (i) was, at the date he was notified as aforesaid, entitled to count reckonable service in excess of 45 years or, if he had then attained the age of 60 years, in excess of the aggregate of 40 years and his reckonable service attributable to employment in such service after attaining that age, or
 - (ii) would, if he continued to be employed in reckonable service, become entitled to count reckonable service in excess of 40 years when he attained the age of 60 years.

(2) In relation to such a teacher the expression “excess period” means, in this Part, the period in excess of that mentioned in paragraph (1)(c) which he was or, as the case may be, would become, entitled to count as there mentioned.

16.—(1) If, within 6 months of being notified as mentioned in Regulation 15(1)(a) (or such longer period as, in the case of a particular teacher, may be approved), a teacher to whom this Part applies requests the Secretary of State in writing that the number of years to which the election referred to in Regulation 15(1)(b) relates should be treated as reduced by the excess period, it shall be so treated.

(2) To the extent, if any, that contributions already paid by the teacher exceed those required to purchase the reduced number of years, those contributions shall be refunded to him.

SCHEDULE 1

Regulations 3(2) and 8

QUALIFYING SERVICE ETC.

Qualifying service	Condition	War service
<p>Fire service, that is to say, service pensionable in pursuance of the Firemen's Pension Scheme from time to time in force under section 26 of the Fire Services Act 1947(a).</p>	<p>Immediately before completing his period of qualifying service the teacher was such a regular fireman as is mentioned in subparagraphs (a), (b) and (c) of Article 6(1) of the Firemen's Pension Scheme (War Service) Order 1979(b).</p>	<p>"War service" means such service within the meaning of Article 4 of the said Order of 1979.</p>
<p>Police service, that is to say, service pensionable in pursuance of regulations from time to time in force under the Police Pensions Act 1948(c) or the Police Pensions Act 1976(d).</p>	<p>Immediately before completing his period of qualifying service the teacher was such a regular policeman as is mentioned in subparagraphs (a), (b) and (c) of Regulation 6(1) of the Police Pensions (War Service) Regulations 1979(e).</p>	<p>"War service" means such service within the meaning of Regulation 4 of the said Regulations of 1979.</p>
<p>National Health service, that is to say, service pensionable in pursuance of regulations from time to time in force under section 10 of the Superannuation Act 1972, section 67 of the National Health Service Act 1946(f) or section 66 of the National Health Service (Scotland) Act 1947(g).</p>	<p>Immediately before completing his period of qualifying service the teacher was such an officer as is mentioned in Regulation 3(2) of the National Health Service (Superannuation) (War Service, etc.) Regulations 1977(h) or, as the case may be, of the National Health Service (Superannuation) (War Service, etc.) (Scotland) Regulations 1977(i).</p>	<p>"War service" means such service within the meaning of Regulation 2(1) of the said Regulations of 1977.</p>

(a) 1947 c. 41.
 (d) 1976 c. 35.
 (g) 1947 c. 27.

(b) S.I. 1979/1360.
 (e) S.I. 1979/1259.
 (h) S.I. 1977/1922.

(c) 1948 c. 24.
 (f) 1946 c. 81.
 (i) S.I. 1977/2138.

Qualifying service	Condition	War service
<p>Northern Ireland fire service, that is to say, service pensionable in pursuance of the Firemen's Pension Scheme from time to time in force under section 10 of the Fire Services (Amendment) Act (Northern Ireland) 1950(a) or section 17 of the Fire Services Act (Northern Ireland) 1969(b) or, as respects the Belfast fire brigade, the scheme so in force under section 13 of the said Act of 1950 or section 26 of the said Act of 1969.</p>	<p>Immediately before completing his period of qualifying service the teacher was such a regular fireman as is mentioned in subparagraphs (a), (b) and (c) of Article 6(1) of the Firemen's Pension Schemes (War Service) Order (Northern Ireland) 1980(c).</p>	<p>"War service" means such service within the meaning of Article 4 of the said Order of 1980.</p>
<p>Northern Ireland police service, that is to say, service pensionable in pursuance of an order or regulations from time to time in force under the Constabulary Acts (Northern Ireland) 1922 to 1949(d) or section 25 of the Police Act (Northern Ireland) 1970(e).</p>	<p>Immediately before completing his period of qualifying service the teacher was such a regular policeman as is mentioned in subparagraphs (a), (b) and (c) of Regulation 6(1) of the Royal Ulster Constabulary Pensions (War Service) Regulations 1980(f).</p>	<p>"War service" means such service within the meaning of Regulation 4 of the said Regulations of 1980.</p>
<p>Service in health and personal social services in Northern Ireland, that is to say, service pensionable in pursuance of regulations from time to time in force under section 61 of the Health Services Act (Northern Ireland) 1948(g), section 67 of the Health Services Act (Northern Ireland) 1971(h) and Schedule 8 thereto or Article 12 of the Superannuation (Northern Ireland) Order 1972(i).</p>	<p>Immediately before completing his period of qualifying service the teacher was such an officer as is mentioned in Regulation 3(2) of the Health Services (Superannuation) (War Service, etc.) Regulations (Northern Ireland) 1978(j).</p>	<p>"War service" means such service within the meaning of Regulation 2(1) of the said Regulations of 1978.</p>

(a) 1950 c. 4 (N.I.).

(d) 1922 c. 8 (N.I.), 1924 c. 17 (N.I.), 1928 c. 4 (N.I.), 1930 c. 12 (N.I.), 1933 c. 27 (N.I.), 1934 c. 10 (N.I.), 1944 c. 9 (N.I.).

(e) 1970 c. 9 (N.I.).

(h) 1971 c. 1 (N.I.).

(b) 1969 c. 13 (N.I.).

(f) S.R. (N.I.) 1980 No. 334.

(g) 1948 c. 3 (N.I.).

(j) S.R. (N.I.) 1978 No. 324.

(c) S.R. (N.I.) 1980 No. 91.

SCHEDULE 2 Regulations 9(2) and 11(2)

COUNTING OF SERVICE FOR FAMILY BENEFITS

PART I

GENERAL

1. In this Schedule relevant reckonable service means reckonable service which counts in the case of a teacher, under Regulation 9 or 11, as the case may be, by reason of his war service.

2. In this Schedule a reference to relevant reckonable service counting for family benefit purposes is a reference to such service counting for benefit for the purposes of Regulation 66 of the 1976 Regulations or a previous provision to the like effect.

3. Any election for the purposes of this Schedule shall be made in writing by notice given to the Secretary of State.

4.—(1) Relevant reckonable service shall not count for family benefit purposes in the case of a teacher whose other reckonable service does not count in full for those purposes.

(2) Relevant reckonable service shall not count for family benefit purposes in the case of a teacher who died as mentioned below, that is to say—

(a) if the relevant reckonable service counts under Regulation 9 and the qualifying service for the purposes thereof is fire or police service, or Northern Ireland fire or police service, he died before 1st April 1975;

(b) if the relevant reckonable service so counts and the qualifying service for those purposes is National Health service, or service in health and personal social services in Northern Ireland, he died before 17th July 1975;

(c) if the relevant reckonable service counts under Regulation 11, he died before the date from which war service provisions (within the meaning of Regulation 4) had effect in the public service pension scheme in pursuance of which the transfer value referred to in Regulation 10(1)(c) was paid.

(3) References to a teacher in the following Parts of this Schedule do not include references to a teacher in whose case the counting of relevant reckonable service for family benefit purposes is precluded by this paragraph.

5. It is hereby declared that relevant reckonable service does not count for the purposes of Regulation 66 of the 1976 Regulations (widow's pension) in the case of the widow of a teacher (employed in reckonable service after 5th April 1978) where they married after the day on which he was last employed in reckonable service and, accordingly, relevant reckonable service shall be treated for the purposes of paragraph (4A) of the said Regulation 66 as reckonable service before 6th April 1978.

PART II

TEACHERS IN WHOSE CASE ADDITIONAL ALLOWANCES HAVE NOT BECOME PAYABLE

1. Subject to paragraph 4(3) of Part I, this Part shall apply in the case of a teacher to whom no additional allowance has become payable under the principal provisions before the date on which he is notified by the Secretary of State that he is entitled to count relevant reckonable service, other than a teacher who died before that date.

2.—(1) A teacher to whom this Part applies may elect that his relevant reckonable service should count for family benefit purposes.

(2) An election for the purposes of this paragraph shall be made before the expiry of the period of three months from the date on which the teacher claims an additional allowance except that, where he claims such an allowance both in advance of its

becoming payable and before being notified by the Secretary of State that he is entitled to count relevant reckonable service, it may be made within the period of three months from the date on which he is so notified.

3. Where such a teacher so elects his relevant reckonable service shall so count but the amount of—

- (a) any additional allowance under Regulation 53, or
- (b) any death gratuity under Regulation 58,

of the 1976 Regulations which is or may become payable in his case shall be reduced by an amount which is the actuarial value at 1st April 1978 of the relevant reckonable service so counting.

4. Where such a teacher does not so elect then, unless Part IV applies in his case, he shall not be entitled to count relevant reckonable service for family benefit purposes.

PART III

TEACHERS IN WHOSE CASE ADDITIONAL ALLOWANCES HAVE BECOME PAYABLE

1. Subject to paragraph 4(3) of Part I, this Part shall apply in the case of a teacher to whom an additional allowance has become payable under the principal provisions before the date on which he is notified by the Secretary of State that he is entitled to count relevant reckonable service, other than a teacher who died before being so notified.

2. A teacher to whom this Part applies may, within six months of being so notified, elect that his relevant reckonable service should count for family benefit purposes.

3.—(1) Where such a teacher so elects his relevant reckonable service shall so count but there shall be payable by him a sum which is the actuarial value, at 1st April 1978, of the relevant reckonable service so counting.

(2) Without prejudice to any other method of recovery, a sum due under sub-paragraph (1) may be deducted from any repayment of contributions or death gratuity which may become payable to the teacher's personal representatives.

4. Where such a teacher does not so elect then, unless Part IV applies in his case, he shall not be entitled to count relevant reckonable service for family benefit purposes.

PART IV

DECEASED TEACHERS

1. Subject to paragraph 4(3) of Part I, this Part shall apply in the case of a teacher who dies or has died—

- (a) before 15th February 1982;
- (b) before being notified by the Secretary of State that he is entitled to count relevant reckonable service, or
- (c) after being so notified but at a time when he has not elected, but is still entitled to elect, under Part II or Part III, that his relevant reckonable service should count for family benefit purposes.

2. In the case of a teacher to whom this Part applies, two thirds of his relevant reckonable service shall count for family benefit purposes.

3. No family benefit payable in respect of a teacher who died before 15th February 1982 shall be reduced by reason of his being entitled to count relevant reckonable service and, accordingly—

- (a) the reference in Regulation 66(3)(f) of the 1976 Regulations to total reckonable service, and

(b) the reference in Regulation 47(5) of the Teachers' Superannuation (Family Benefits) Regulations 1970(a) to reckonable service of which account was, or would have been, taken for the purpose of calculating an annual superannuation allowance, shall be construed as a reference to such service disregarding relevant reckonable service.

(a) S.I. 1970/862; relevant amending instruments are S.I. 1972/1960, 1974/260.

Regulation 11(1)

SCHEDULE 3

AGE FACTOR

Age in completed years on 1st April 1978	Factor	
	Men	Women
40	0.1009	0.1328
41	0.1018	0.1344
42	0.1024	0.1357
43	0.1031	0.1372
44	0.1038	0.1389
45	0.1045	0.1405
46	0.1058	0.1422
47	0.1073	0.1437
48	0.1085	0.1454
49	0.1099	0.1470
50	0.1111	0.1487
51	0.1125	0.1502
52	0.1150	0.1525
53	0.1176	0.1548
54	0.1203	0.1571
55	0.1229	0.1599
56	0.1267	0.1628
57	0.1306	0.1663
58	0.1345	0.1707
59	0.1397	0.1759
60	0.1463	0.1810
61	0.1465	0.1818
62	0.1469	0.1825
63	0.1473	0.1833
64	0.1478	0.1840
65	0.1480	0.1844
66	0.1436	0.1800
67	0.1392	0.1756
68	0.1355	0.1713
69	0.1311	0.1669
70	0.1267	0.1625
71	0.1230	0.1575
72	0.1190	0.1519
73	0.1144	0.1463
74	0.1106	0.1406
75	0.1063	0.1350
76	0.1019	0.1294
77	0.0981	0.1238
78	0.0938	0.1181
79	0.0900	0.1131
80	0.0854	0.1088
81	0.0815	0.1044
82	0.0775	0.1006
83	0.0735	0.0969
84	0.0698	0.0931
85	0.0661	0.0894
86	0.0623	0.0856

Age in completed years on 1st April 1978	Factor	
	Men	Women
87	0.0585	0.0825
88	0.0554	0.0794
89	0.0525	0.0769
90	0.0496	0.0744
91	0.0467	0.0719
92	0.0440	0.0694
93	0.0419	0.0669
94	0.0398	0.0644
95	0.0377	0.0625
96	0.0356	0.0600
97	0.0342	0.0581
98	0.0321	0.0556
99	0.0306	0.0531

6th January 1982.

We consent,

Keith Joseph,
Secretary of State for
Education and Science.

18th January 1982.

P. L. Brooke,
John Selwyn Gummer,
Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to teachers and former teachers who transferred between teaching and certain other pensionable services or employments which now have provision for the reckoning of war service but, by reason of the date of their transfer and the date on which such provision took effect, are unable to take advantage of that provision. The Regulations have effect as from 1st April 1978 (Regulation 1(2)); retrospection is authorised by section 12(1) of the Superannuation Act 1972.

Part II of the Regulations relates to war service reckonable for the purposes of the provisions relating to teachers' superannuation ("the principal provisions"—*Regulation 2(2)*) without the receipt by the Secretary of State of a transfer value. It applies where, on 1st April 1978 (or immediately before his death if he died before that date but after 31st August 1974) a person was entitled to count reckonable service for the purposes of the principal provisions by virtue of his transfer from police, fire or health service in England and Wales, Scotland or Northern Ireland ("qualifying service"). If he satisfies the conditions subject to which war service now counts for the purposes of the superannuation arrangements applicable to his qualifying service, he is entitled to count a proportion of his war service within the meaning of those arrangements for the purposes of the principal provisions. The proportion is $63\frac{2}{3}\%$ where the qualifying service was fire or police service but otherwise is 47%.

Part III relates to war service reckonable for the purposes of the principal provisions on receipt of an additional transfer value. It applies where, on 1st April 1978, a teacher or former teacher was entitled to count reckonable service by virtue of a transfer value which became payable before that date and which took account of service or employment pensionable under such a public service pension scheme as is mentioned in *Regulation 3(1)* provided that the scheme now has provision for the reckoning of war service. Unless the teacher died before such provision took effect in that scheme, on the acceptance by the Secretary of State of an additional transfer value calculated in the prescribed manner by reference to his war service, the teacher is entitled to count a period of reckonable service related to the amount of the transfer value and, indirectly, to his war service.

Where a teacher or former teacher is entitled to count reckonable service under Part II or Part III any benefit under the principal provisions by way of periodical payments in respect of a period on or after 1st April 1978 or (except where he died before that date) by way of a lump sum, and any transfer value payable in respect of his leaving teaching service on or after that date, is to be calculated or recalculated to take account of the reckonable service he so counts (*Regulation 6*). In relation to family benefits, however, the provisions of *Schedule 2* have effect (*Regulations 9(2) and 11(2)*).

Part IV relates to the payment by the Secretary of State of additional transfer values calculated in the prescribed manner by reference to war service. It mirrors Part III and applies in the case of a former teacher in respect of whom the Secretary of State paid a transfer value by reason of his leaving teaching service before 1st September 1974 (the date from which the Teachers' Superannuation (War Service, etc.) Regulations 1975 had effect) if he was still alive on that date and by reason of that transfer value was on 1st April 1978 entitled to reckon service for the purposes of such a public service pension scheme as is mentioned in *Regulation 3(1)*. If it is certified that, subject to the payment of an additional transfer value, the former teacher would be entitled to reckon service for the purposes of the public service pension scheme in question by reason of his war service, the Secretary of State is empowered to pay such a transfer value.

Part V modifies the principal provisions in so far as they relate to the purchase of past added years in their application to a teacher or former teacher who, as a result of becoming entitled to count reckonable service under Part II or III, has or would become entitled to count a period of reckonable service in excess of that mentioned in *Regulation 15(1)(c)*.

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