
STATUTORY INSTRUMENTS

1992 No. 280

The Teachers' Superannuation (Scotland) Regulations 1993

PART B

PENSIONABLE EMPLOYMENT

Accepted school

B4.—(1) In pursuance of paragraph 2 of Schedule 2 (pensionable employment), subject to paragraph (6) and regulations B5 to B7, a teacher is in pensionable employment while employed in a school which is an accepted school for the purposes of this regulation.

(2) For the purposes of this regulation—

(a) “accepted school ” means an independent school which—

- (i) immediately before the date on which these Regulations come into force was accepted under Schedule 2 to the 1977 Regulations; or
- (ii) being registered, and being the subject of a relevant application by its governing body or proprietor, is accepted by the Secretary of State as able to meet the requirements placed upon an employer by regulations G5 and G6 (payment of employers' contributions);

(b) “registered ” means registered in the register of independent schools in accordance with Part V of the Education (Scotland) Act 1980(1);

(c) “proprietor ” has the meaning assigned to it by section 135 of the Education (Scotland) Act 1980 and includes a person who, by reason of holding any office or having any interest in a company by which the school is conducted, is substantially in the position of a proprietor.

(3) Notwithstanding the provisions of paragraph (2) the Secretary of State shall have power in such case as he thinks appropriate to accept under the provisions of this regulation an independent school which is for the time being only provisionally registered.

(4) The date on which an independent school becomes an accepted school under paragraph 2(a) (ii) shall, unless an alternative date is agreed by the Secretary of State and the governing body or proprietor thereof, be the 1st September preceding acceptance of the application.

(5) An accepted school shall cease to be an accepted school on such a day as is specified in a notice in writing sent by the Secretary of State to the governing body or proprietor of the school on or after any of the following events—

- (a) the receipt by the Secretary of State of an application by the governing body or proprietor that the school shall cease to be an accepted school;
- (b) the school ceasing to be registered;
- (c) any default by the governing body or proprietor in the payment of contributions;

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- (d) failure by the governing body or proprietor to comply within 1 month with any requirement of the Secretary of State to make any report or return, give any information or produce any document, under regulation H3;
 - (e) failure by the governing body or proprietor to comply with any other provision of the Regulations relating to the employment of teachers in reckonable service;
 - (f) the closure of the school.
- (6) The service of a teacher in an accepted school shall not be pensionable employment if—
- (a) the teacher is a proprietor thereof; or
 - (b) paragraph (2)(a)(i) applies to the school and the teacher’s employment therein immediately before the date on which these Regulations come into force was not reckonable service.