
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Teachers' Superannuation (Consolidation) Regulations 1988 ("the principal Regulations").

Regulation 2 adds to the categories of part-time employment that may become pensionable on election.

Regulation 3 allows for subsequent uprating of the £60,000 salary cap on the rate of contributable salary and provides for certain exceptions to the salary capping arrangements.

Regulation 4 removes certain restrictions on the period which may be purchased under the scheme's past added years arrangements, withdraws the conditions that past added years elections are irrevocable but provides for a period of 5 years to elapse before a teacher, who has revoked a Method C election, can make a further such election.

Regulation 5 introduces provision to enable service in a reserve force to count as reckonable service if the teacher makes an appropriate election and pays certain contributions.

Regulation 6 makes it clear that when a teacher returns previously withdrawn contributions in a lump sum, payment must be made while the teacher is in pensionable employment or comparable British service.

Regulation 7 adds to the period which can count as reckonable service any service in a reserve force for which the appropriate contributions have been made.

Regulation 8 provides for payment of incapacity benefits to be made where pensionable employment continues beyond the age of 60 provided that the incapacity occurred before that age and the date of retirement was deferred beyond that age because the teacher was absent on paid sick leave; provides for the early payment of preserved retirement benefits where a person who has elected that his employment is no longer to be pensionable becomes redundant; and makes it clear that entitlement to benefits arises only if there is a break in pensionable employment of at least one day.

Regulation 9 extends the provision for enhancement of retirement benefits where incapacity occurs during pensionable employment to the case where it occurs after pensionable employment has ended but while additional contributions are being paid for a current period.

Regulation 10 brings within the provision for avoidance of duplicate pensions paid out of public funds pensions paid out of money raised by community charges as well as by rates.

Regulation 11 amends the provision for abatement of retirement pension during further employment where a teacher retires more than once.

Regulation 12 has the effect that where a teacher dies while in service in a reserve force the death grant payable will be paid at the higher rate appropriate to a teacher who dies while in pensionable employment.

Regulation 13 makes provision for the case where a deceased person is survived by more than one widow and a death grant or supplementary death grant is paid; in such case, the grant is to be paid to the widows in equal shares.

Regulation 14 extends by one week the period during which a child is treated as being in full-time education and entitled to a pension on that account.

Regulation 15 provides that two short-term pensions, instead of one, will be payable to a child where both parents are deceased and were members of the teachers' superannuation scheme.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 16 amends provision relating to ascertaining the duration of short-term family benefits.

Regulations 17(a) and 18 relax the prohibition on payment of a widower's pension where a family pension is payable to someone else as a nominated beneficiary. The widower will receive a pension if the deceased had purchased for that purpose any service before 6th April 1988. The pension will be based on that service, with an addition at the "guaranteed minimum" rate for service after 5th April 1988. Regulation 17(b) makes similar provision in relation to long-term family benefits regarding the payment of two pensions as is made in relation to short-term family benefits.

Regulation 19 provides for service in a reserve force to be included within the categories of service which can be taken into account in calculating a teacher's average salary; and extends the provision relating to the disregarding for pension purposes of unreasonable salary increases to those teachers covered by the relevant statutory provisions governing teachers' pay.

Regulation 20 moves forward by one day the date for monthly payment of benefits other than family benefits.

Regulation 21 has the effect that, in relation to a teacher in a school maintained by a local education authority where the teacher is employed by an employment business within the meaning of the Employment Agencies Act 1973, the employment business rather than the authority is responsible for paying the employer's contributions.

Regulation 22 amends Schedule 1 to the principal Regulations which provides a glossary of expressions; and Regulation 23 makes amendments to the list of pensionable employments in Schedule 2 to the principal Regulations.

Regulation 24 amends Schedule 4 to the principal Regulations regarding elections in respect of past periods. In particular, provision is made for reducing the contribution rate as regards a Method A election.

Regulation 25 amends Schedule 7 to the principal Regulations by providing for the calculation of the reckonable service to be credited to a teacher in respect of a Method A election or a Method C election which he subsequently revokes.

Regulation 26 retrospectively modifies certain provisions in the Teachers' Superannuation Regulations 1976 (revoked by the principal Regulations). The modifications, which have effect as from the dates in 1988 from which provision was made in the 1976 Regulations for opting out of pensionable employment and for purchasing service for widowers' pensions, correspond to the amendments made to the principal Regulations by regulations 8, 17 and 18 of these Regulations.

Section 12 of the Superannuation Act 1972 confers express power to make regulations retrospective in effect. These Regulations are in part retrospective, but Regulation 27 makes transitional provision for opting out where rights in relation to ex-employees are adversely affected.