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STATUTORY INSTRUMENTS

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**1994 No. 2876**

**EDUCATION, ENGLAND AND WALES**

**The Teachers' Superannuation  
(Amendment) (No. 3) Regulations 1994**

*Made - - - - 8th November 1994*  
*Laid before Parliament 10th November 1994*  
*Coming into force - - 1st December 1994*

The Secretary of State, in exercise of the powers conferred by sections 9 and 12 of the Superannuation Act 1972(1) and Schedule 3 thereto, after consulting with representatives of 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(2), hereby makes the following Regulations:

**Commencement, citation and interpretation**

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Amendment) (No. 3) Regulations 1994 and shall come into force on 1st December 1994.

(2) In these Regulations “the principal Regulations” means the Teachers' Superannuation (Consolidation) Regulations 1988(3).

**Average Salary**

2. Regulation E29(13) of the principal Regulations is amended by inserting the words “or institution” after the word “school” in both places where it occurs.

**Transitional provisions and elections in respect of protected benefits**

3.—(1) The provision made by regulation 2 above shall not apply for the purpose of calculating any benefit which has become payable before 1st December 1994.

(2) This paragraph applies to a person—

(a) to whom a protected benefit may become payable, and

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(1) 1972 c. 11; section 9 was amended by sections 4(1), 8(3) and (4) of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) and section 12 was amended by section 10 of that Act.  
(2) See S.I. 1981/1670.  
(3) S.I. 1988/1652; a relevant amending instrument is S.I. 1993/114.

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(b) who is placed in a worse position than he would have been in if the provision made by regulation 2 above had not applied in relation to the protected benefit.

(3) A protected benefit is one which may become payable under the principal Regulations, to or in respect of a person who was employed in pensionable employment but ceased to be so employed before 1st December 1994.

(4) A person to whom paragraph (2) above applies may, by giving written notice to the Secretary of State before 1st March 1995, elect that the provision of regulation 2 above shall not apply in relation to the protected benefit.

3rd November 1994

*Gillian Shephard*  
Secretary of State for Education

We consent

8th November 1994

*Andrew Mitchell*  
*Timothy Wood*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations further amend regulation E29 of the Teachers' Superannuation (Consolidation) Regulations 1988. The amendment extends to institutions other than schools provisions which apply for determining the salary which is to be used for calculating the average salary in a case where a person has received a salary increase the main object or one of the main objects of which is to increase average salary and accordingly retirement benefits. Provision is made that the amendment shall not apply where benefits have become payable before 1st December 1994 and for opting out where rights in relation to persons who have left pensionable employment are adversely affected.