
STATUTORY INSTRUMENTS

1995 No. 2004

EDUCATION, ENGLAND AND WALES

The Teachers' Superannuation (Amendment) Regulations 1995

Made - - - - - *28th July 1995*
Laid before Parliament *31st July 1995*
Coming into force - - - *1st September 1995*

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:

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Amendment) Regulations 1995 and shall come into force on 1st September 1995 but shall have effect as from 1st May 1995.

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

2. The Principal Regulations shall be amended in accordance with the provisions of regulations 3 to 8 below.

3. For regulation B1 there shall be substituted the following regulation—

“Employment—general

B1.—(1) Subject to paragraphs (2) to (5) and regulations B5 to B7, a person is in pensionable employment while he is in employment in a capacity described in Schedule 2 and satisfies every condition, and is not within any exception, specified in Schedule 2 in relation to employment in that capacity.

(2) Employment in a capacity in Part II of Schedule 2 is not pensionable unless the person has elected that it is to be so.

(3) Except in the case of employment in a capacity described in paragraph 14, 16, 21, 22 or 24 of Schedule 2, an election for the purposes of paragraph (2) may not be made without the consent of the employer.

(1) 1972 c. 11; section 9 was amended by sections 4(1), 8(3) and (4) and 11 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; relevant amending instruments are S.I. 1989/378, 1993/114 and 1994/1058.

- (4) A person who is in part-time employment is not in pensionable employment unless he has at some time made an election for the purposes of this paragraph.
- (5) A person who is in part-time employment is not in pensionable employment while—
- (a) he is a member of the occupational pensions scheme constituted by the Local Government Pension Scheme Regulations 1995(4), or
 - (b) he is entitled to be paid a teacher’s pension.
- (6) An election for the purposes of this regulation—
- (a) may be made at any time by giving written notice to the Secretary of State; and
 - (b) has effect from the first day of the month following that in which the Secretary of State notifies the person making it of its acceptance, unless the Secretary of State specifies an earlier date.”.

4. Regulation B2 shall be omitted.

5. For regulation B4(1) there shall be substituted the following paragraph—

“(1) Subject to regulation B1(4) and (5) and regulations B5 to B7, a person is in pensionable employment while he is in employment as a teacher in an accepted school.”.

6. In regulation E14(1) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) in part-time employment in a capacity described in paragraphs 1 to 7 of Schedule 2.”.

7. In regulation H3—

 - (a) after sub-paragraph (1)(b) there shall be inserted the following sub-paragraph—
 - “(bb) where during the financial year the person has spent one or more periods in part-time pensionable employment, the amount which his contributable salary would have been if the employment had been full-time throughout the year;”;
 - (b) after paragraph (1) there shall be inserted the following paragraph—
 - “(1A) For the purposes of paragraph (1)(bb), where a person’s contract entitles him to remuneration at a rate which is not expressed as a proportion of the annual, termly or monthly rate for a comparable full-time employment, the amount which his contributable salary would have been if the employment had been full-time employment shall be calculated on the same basis as is used for the calculation of the person’s salary in the part-time employment in question.”.

8. In Schedule 1—

 - (a) for the entry relating to the expression “Part-time” there shall be substituted the following—

““Part-time”	Employment is “part-time” if the contract requires the employee to work for less than the whole of the working week;”
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 - (b) at the end of the item relating to the expression “Pensionable employment” there shall be inserted the following words—

“but in relation to any time before 1st May 1995 the reference to Part B is a reference to that Part before it was amended by the Teachers’ Superannuation (Amendment) Regulations 1995”; and

- (c) for the entry relating to the expression “Relief teacher” there shall be substituted the following—

““Relief teacher”	A person in pensionable employment who is employed in place of a person regularly employed and whose contract is a short-term one.”
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9. Any election made before 1st May 1995 for the purposes of regulation B2 of the Principal Regulations (part-time employment) shall have effect on and after 1st May 1995 as if it were an election for the purposes of regulation B1(4) of the Principal Regulations (as substituted by regulation 3 above).

10. Regulation 2(3) of the Teachers' Superannuation (Additional Voluntary Contributions) Regulations 1994(5) shall be amended by inserting in the definition of “pensionable employment” after the words “Part B of the 1988 Regulations” the words “as amended by the Teachers' Superannuation (Amendment) Regulations 1995”.

19th July 1995

Gillian Shephard
Secretary of State for Education

We consent

28th July 1995

D. L. Willetts
Simon Burns
Two of the Lords Commissioners of Her Majesty's Treasury.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which come into force on 1st September 1995 but have effect from 1st May 1995) further amend the Teachers' Superannuation (Consolidation) Regulations 1988 (the Principal Regulations).

Regulations 3 and 4 substitute a new regulation B1 of the Principal Regulations in place of the former regulations B1 and B2. The effect of the new regulation B1 is that part-time employment in all the capacities described in Schedule 2 to the Principal Regulations is pensionable (if the employee so elects) on the same terms as full-time employment. Regulations 5 and 6 make consequential amendments and regulation 7 requires employers to record the full-time equivalent salary of part-time employees. Regulation 8 amends the definition of "part-time" in Schedule 1 to the Principal Regulations so as to remove the requirement that remuneration must be expressed as a proportion of an annual, termly or monthly rate for full-time employment. Regulation 10 makes a consequential amendment to the definition of "pensionable employment" in the Teachers' Superannuation (Additional Voluntary Contributions) Regulations 1994.