

SCHEDULE 5

Regulation 3

Transitional Provisions and Savings

PART 1

Transitional Provisions and Savings relating to the Teachers' Superannuation (Additional Voluntary Contributions) Regulations 1994

1. Any notice given before 1st January 2007 under regulation 12(6) of the Teachers' Superannuation (Additional Voluntary contributions) Regulations 1994 shall be treated as having been given under that regulation as substituted by paragraph 4(d) of Schedule 1.

PART 2

Transitional Provisions and Savings relating to the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997

2. In this Part "the 1997 Compensation Regulations" means the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 1997.

3.—(1) Where, before 1st January 2007—

- (a) a person employed in an institution within category D became entitled to compensation under Part IV of the 1997 Compensation Regulations, or
- (b) the governing body of an institution within category D decided to credit an eligible teacher with a period of service under Part V of the 1997 Compensation Regulations,

then, despite the provisions of paragraph 2(a) of Schedule 2 to these Regulations and without prejudice to section 16 of the Interpretation Act 1978⁽¹⁾, the governing body of the institution within category D shall continue to make or abate payments of compensation to or in respect of the person in accordance with Parts IV or V of the 1997 Compensation Regulations and shall be entitled to adjust such payments in accordance with those regulations.

(2) Where former employment fell within category G for the purposes of regulation 29(3) of the 1997 Compensation Regulations, it shall be regarded as falling within category D where subparagraph (1) applies.

4.—(1) Regulation 13 of the 1997 Compensation Regulations shall (despite paragraph 6 of Schedule 2) continue to have effect where a declaration was delivered to the compensating authority pursuant to paragraph (2) of that regulation before 1st January 2007.

(2) Where regulation 13 of the 1997 Compensation Regulations continues to have effect pursuant to paragraph (1)—

- (a) the references in paragraphs (3) and (6)(a) of those regulations to regulation E5(3) of the Pensions Regulations shall have effect as references to regulation E5(6) and (7) of the Pensions Regulations,
- (b) regulation 15(7) of the 1997 Compensation Regulations shall have effect without the amendment made by paragraph 7 of Schedule 2.

(1) 1978 c.30.

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

PART 3

Transitional Provisions and Savings relating to the Teachers' Pensions Regulations 1997

- 5.** In this Part “the 1997 Pensions Regulations” means the Teachers’ Pensions Regulations 1997.
- 6.** Where, before 1st January 2007, a person aged 70 or over was in employment which would have been pensionable but for regulation B4(1)(a) of the 1997 Pensions Regulations, the amendment made to that provision by paragraph 3(a) of Schedule 3 does not have the effect of making pensionable any employment which occurred before 1st January 2007 but after the person was age 70.
- 7.** Paragraphs (9) to (11) of regulation C4 of the 1997 Pensions Regulations shall (despite paragraph 12 of Schedule 3) continue to have effect in relation to any election made under that regulation before 1st January 2007.
- 8.—(1)** Regulation C5 of the 1997 Pensions Regulations shall (despite paragraph 12 of Schedule 3) continue to have effect in relation to any person who died before 1st January 2007.
- (2) Where that regulation continues to have effect—
- (a) references in that regulation to regulation C4 shall have effect as references to old regulation C4, and
 - (b) regulation G2(2)(a) of the 1997 Pensions Regulations shall have the effect as if it included a reference to regulation C5.
- 9.—(1)** Regulation C9 of the 1997 Pensions Regulations shall (despite paragraph 15 of Schedule 3) continue to have effect in relation to any person who left pensionable employment before 1st January 2007.
- (2) Where a person left pensionable employment before 1st January 2007 but has not made an election before that date that regulation shall have effect as if for paragraph (10) there were substituted—
- “(10) An election under this regulation must be made by giving written notice to the Secretary of State which must specify the period and must be given before 28th February 2007.”.
- (3) Where regulation C9 of the 1997 Pensions Regulations continues to have effect by virtue of sub-paragraph (1)—
- (a) paragraph (7) of that regulation shall have effect as if for sub-paragraph (b) there were substituted—
- “(b) the percentage is the aggregate of the rate of contributions specified under regulation C3(2) and the required percentage determined in accordance with regulation G5.”,
- (b) paragraphs 1 and 2 of Schedule 3 to the 1997 Pensions Regulations shall continue to apply for the purpose of determining the maximum length of the period in respect of which any election may be made.
- 10.** In relation to contributions to be paid by a person who, before 1st January 2007, made an election under regulation B7 of the 1997 Pensions Regulations regulation C18(1A) of those regulations shall continue to have effect without the amendments made by paragraph 22(b) of Schedule 3.
- 11.—(1)** Regulation E11 of, and Schedule 11 to, the 1997 Pensions Regulations shall (despite paragraphs 33 and 80 of Schedule 3 to these Regulations, shall continue to have effect where a

declaration was delivered to the Secretary of State pursuant to regulation E11(4) of the 1997 Pensions Regulations before 1st January 2007.

(2) Where the provisions mentioned in sub-paragraph (1) continue to have effect by virtue of that sub-paragraph regulations E14(3) and E35(2) of the 1997 Pensions Regulations shall have effect without the amendments made by paragraphs 35(c) and (d)(iii) and 56 respectively.

12.—(1) Regulation E31 of the 1997 Pensions Regulations shall continue to have effect without the amendments made by paragraph 51 of Schedule 3 for the purpose of determining the average salary of a person where—

- (a) the person's entitlement to payment of retirement benefits took effect before 1st January 2007, or
- (b) (where the person does not fall within paragraph (a)) the person ceased to be in pensionable employment before 1st January 2007 and is not at any time in pensionable employment on or after that date before attaining the age of 60.

(2) For the purposes of sub-paragraph (1) a person is to be treated as being in pensionable employment during any period for which he is paying additional contributions under old regulation C9 or regulation C10 of the 1997 Pensions Regulations.

(3) Where the entitlement of a person (other than a person falling within paragraph (1)(b)) to payment of retirement benefits took effect on or after 1st January 2007 but before 1st January 2009 the average salary of that person shall be the greater of—

- (a) the average salary determined in accordance with regulation E31, or, where applicable, regulation E31A of the 1997 Pensions Regulations, and
- (b) the average salary determined in accordance with regulation E31 of the 1997 Pensions Regulations without the amendments made by paragraph 51 of Schedule 3.

13. Where, before 1st January 2007, a person was in pensionable employment and would, but for regulation E32(2)(b) of the 1997 Pensions Regulations have reckonable service in excess of 40 years before attaining the age of 60, the amendment to regulation E32(2) of the 1997 Pensions Regulations made by paragraph 53(a) of Schedule 3 does not have the effect of increasing reckonable service undertaken before 1st January 2007.