

## SCHEDULE 1

Regulation 13

### Eligible employment

## PART 1

### General

#### Interpretation

1.—(1) In this Schedule—

“proprietor” has the meaning assigned to it by section 135 of the Education (Scotland) Act 1980<sup>(1)</sup> and includes a person who, by reason of holding any office or having an interest in a company by which the school is conducted, is substantially in the position of a proprietor;

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

(2) Subject to sub-paragraph (1), expressions used in this Schedule to which meanings are assigned by the Education (Scotland) Act 1980 have the same meaning in this Schedule as they have in that Act.

#### Meaning of “accepted school”

2.—(1) An establishment is an accepted school if—

(a) immediately before 1st April 2015 it was an accepted school under regulation B5 of the 2005 Regulations; or

(b) being registered, and being the subject of a relevant application by its governing body or proprietor, it is accepted by the scheme manager as able to meet the requirements placed upon an employer under regulation 189 to pay employers’ contributions.

(2) Despite the terms of sub-paragraph (1)(b), the scheme manager may, in such case as it thinks appropriate, accept under that provision an independent school which is for the time being only provisionally registered.

(3) The date on which an independent school becomes an accepted school under sub-paragraph (1)(b) is the date agreed between the scheme manager and the school’s proprietor, being the first day of a month after that in which the relevant application was made.

(4) An accepted school ceases to be accepted on such a day as is specified in a notice in writing sent by the scheme manager to the governing body or proprietor of the school on or after any of the following events—

(a) the receipt by the scheme manager of an application by the governing body or proprietor of the school seeking that it should 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, whether under these Regulations or under the Teachers’ Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1995<sup>(2)</sup>;

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(1) 1980 c.44.

(2) S.I. 1995/2814, to which there are amendments not relevant to these Regulations.

- (d) failure by the governing body or proprietor to comply within one month with any requirement of the scheme manager to make any report or return, give any information or produce any document under regulation 191;
- (e) failure by the governing body or proprietor to comply with any other provision of these Regulations relating to the employment of teachers who are in eligible employment;
- (f) the closure of the school.

## PART 2

### Pensionable service

**3.** Employment as a teacher in a public or grant-aided school, or in a designated institution (within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992<sup>(3)</sup>), or other establishment which is maintained or grant-aided out of moneys provided from the Scottish Consolidated Fund or from council tax levied by local authorities.

**4.—(1)** Subject to sub-paragraph (2), employment as a teacher in a school which is an accepted school.

(2) The service of a teacher in an accepted school is not pensionable employment if—

- (a) the teacher is a proprietor of the school; or
- (b) paragraph 2(1)(a) applies to the school and the teacher's employment in the school immediately before 1st April 2015 was not reckonable service within the meaning of the 2005 Regulations.

**5.** Employment as a teacher in an independent school which is for the time being recognised by the Scottish Ministers as a technology academy within the meaning of section 68(1) of the Self-Governing Schools etc. (Scotland) Act 1989<sup>(4)</sup>.

**6.** Employment as a teacher in a college of further education which is managed by a board of management in terms of Part I of the Further and Higher Education (Scotland) Act 1992.

**7.** Employment as a teacher in the Scottish Further Education Unit.

**8.** Employment as a teacher in a university or part of a university, which before becoming a university or part of a university was a central institution, being a teacher whose employment therein immediately before 1st August 1977 was reckonable service under an enactment relating to the superannuation of teachers in Scotland.

**9.** Employment as a teacher in the Faculty of Education at the University of Strathclyde, where the teacher immediately before 1st April 1993 was in pensionable employment at Jordanhill College of Education, was transferred to employment at the University of Strathclyde on 1st April 1993 and has not ceased to be employed in the Faculty of Education there at any time since that date.

**10.** Employment as a teacher in the Schools of Architecture, Town and Regional Planning, Design, Fine Art, Food and Accommodation Management or Television and Imaging at the University of Dundee, where the teacher immediately before 1st August 1994 was in pensionable employment at Duncan of Jordanstone College of Art, was transferred to employment at the University of Dundee on 1st August 1994 and has not ceased to be employed in any of the said Schools there at any time since that date.

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(3) 1992 c.37.

(4) 1989 c.39.

11. Employment as a teacher in the Faculty of Education or the Faculty of Social Sciences at the University of Edinburgh, where the teacher immediately before 1st August 1998 was in pensionable employment at Moray House Institute of Education, was transferred to employment at the University of Edinburgh on 1st August 1998 and has not ceased to be employed in the Faculty of Education or the Faculty of Social Sciences there at any time since that date.

12. Employment as a teacher in the Faculty of Engineering or the Faculty of Economic and Social Studies at Heriot-Watt University, where the teacher immediately before 1st October 1998 was in pensionable employment at the Scottish College of Textiles, was transferred to employment at Heriot-Watt University on 1st October 1998 and has not ceased to be employed in the Faculty of Engineering or the Faculty of Economic and Social Studies there at any time since that date.

13. Employment as a teacher in the Faculty of Education at the University of Glasgow, where the teacher immediately before 1st April 1999 was in pensionable employment at St. Andrew's College of Education, was transferred to employment at the University of Glasgow on 1st April 1999 and has not ceased to be employed in the Faculty of Education there at any time since that date.

14. Employment as a teacher in the Faculty of Education at either the University of Aberdeen or the University of Dundee, where the teacher immediately before 1st December 2001 was in pensionable employment at Northern College of Education, was transferred to employment at the University of Aberdeen or the University of Dundee on 1st December 2001 and has not ceased to be employed in the Faculty of Education at either the University of Aberdeen or the University of Dundee at any time since that date.

15. Employment as a teacher in Edinburgh College of Art, a part of the University of Edinburgh, where the teacher immediately before 1st August 2011 was in pensionable employment at Edinburgh College of Art, was transferred to employment at the University of Edinburgh on 1st August 2011 and has not ceased to be employed in that part of the University of Edinburgh at any time since that date.

16.—(1) Employment as a teacher of a kind not elsewhere specified in this Schedule if—

- (a) the teacher is employed by an education authority otherwise than in a public school;
- (b) the teacher's employer receives grant either from the Scottish Ministers or a local authority for the purposes of employing him or her and he or she elects by notice in writing to the Scottish Ministers within 3 months of the commencement of employment, with the agreement of his or her employer, that his or her service is to be pensionable employment and the Scottish Ministers agree; or
- (c) the teacher's employment is approved by the Scottish Ministers for the purposes of this Schedule and he or she elects by notice in writing to the Scottish Ministers within 3 months of the commencement of employment, with the agreement of his or her employer, that his or her service is to be pensionable employment and the Scottish Ministers so agree.

(2) Any election made under paragraph 4(b) or (c) of Schedule 1 to the Teachers Superannuation (Scotland) Regulations 1977<sup>(5)</sup> or under paragraph 14(1)(b) or (c) of Schedule 2 to the 2005 Regulations is to be treated as having been made under sub-paragraph (1)(b) or (c) above.

17. Continuation in employment on and after 1st April 2015 of the employments mentioned in paragraph 5 of Schedule 1 to the Teachers Superannuation (Scotland) Regulations 1977.

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(5) S.I. 1977/1360.