

## SCHEDULES

### FIRST SCHEDULE

Section 68.

#### LOCAL INQUIRIES

- 1 The Secretary of State shall appoint a person to hold the inquiry and to report thereon to him.
  - 2 The person appointed shall notify the bodies and persons appearing to him to be interested of the time when and the place where the inquiry is to be held.
  - 3 The person appointed may by notice in writing require any person—
    - (a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry ; or
    - (b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the person appointed may think fit and as the person so required is able to furnish :
- Provided that—
- (i) no person shall be required in obedience to such a notice to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him ; and
  - (ii) nothing in this paragraph shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- 4 The person appointed to hold the inquiry may administer oaths and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person supported by a declaration of the truth thereof in such form as the person appointed may require.
  - 5 The inquiry shall unless the Secretary of State otherwise directs be held in public.
  - 6 Any person who refuses or wilfully neglects to attend in obedience to a notice issued under paragraph 3 of this Schedule, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice, or who refuses or wilfully neglects to comply with any requirement of the person appointed to hold the inquiry under paragraph 3 of this Schedule, shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a period not exceeding three months.
  - 7 The Secretary of State may make orders as to the expenses incurred by the parties appearing at the inquiry and as to the parties by whom such expenses shall be paid.
  - 8 Any order by the Secretary of State under paragraph 7 of this Schedule requiring any party to pay expenses may be enforced in like manner as a recorded decree arbitral.

*Status: This is the original version (as it was originally enacted).*

SECOND SCHEDULE

Section 77.

ANNUAL SUMS CHARGED ON THE CONSOLIDATED FUND

<i>Serial number</i>	<i>Education Area</i>	<i>Annual sum</i> £
1.	Argyll	353
2.	Banff	30
3.	Caithness	58
4.	Inverness	128
5.	Orkney	30
6.	Perth	62
7.	Ross and Cromarty	149
8.	Sutherland.	89
		_____
		£899
		_____

THIRD SCHEDULE

Section 102.

TEACHERS (SUPERANNUATION) REGULATIONS

**PART I**

PROVISIONS TO WHICH THE TEACHERS  
(SUPERANNUATION) REGULATIONS SHALL GIVE EFFECT

*Provisions to be included in Regulations*

- 1 The Teachers (Superannuation) Regulations shall include provision for the purposes set forth in the following paragraphs of this Part of this Schedule.

*Payment of retiring allowances*

- 2 Provision shall be made for the payment on retirement after attaining the prescribed age, or on retirement in case of permanent, incapacity, of a retiring allowance which shall be—

- (1) an annual allowance during life not exceeding an amount calculated by reference to the whole period of first class service of a teacher at the rate of one-eightieth of his pensionable salary for a year of first class service, and

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- (2) by way of additional allowance, a lump sum not exceeding an amount calculated by reference to the whole period of first class service of the teacher at the rate of three-eightieths of the pensionable salary of the teacher for a year of first class service:

Provided that—

- (i) a retiring allowance shall not be granted to a teacher who has given less than ten completed years of first class service or of first class service and second class service; and
- (ii) a retiring allowance shall not be granted on grounds of permanent incapacity to a teacher who has qualified for a retiring allowance on grounds of age; and
- (iii) the amount of the additional allowance in respect of the period before the first day of October nineteen hundred and fifty-six shall be calculated at the rate of one-thirtieth of the pensionable salary of the teacher for a year of first class service.

#### *Calculation of length of service*

- 3 Provisions shall be made for securing that the period of first class service or of first class service and second class service of which account may be taken shall not exceed forty-five years, of which, for the calculation of the annual allowance, not more than forty shall be years before the teacher attained the age of sixty years ; that where a teacher is granted a retiring allowance in case of permanent incapacity and has not completed twenty years of first class service or of first class service and second class service, his retiring allowance shall be calculated as it would have been if he had completed twenty years of first class service or such shorter period as he would have completed if he had continued to be employed in first class service until the prescribed age ; and for such consequential, transitional and other matters as appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph.

#### *Gratuities to infirm teachers*

- 4 Provision shall be made for the payment on retirement in case of permanent incapacity, after first class service for a prescribed period less than ten years, of a gratuity not exceeding the prescribed proportion of the pensionable salary of the teacher.

#### *Death gratuities*

- 5 Provision shall be made for the payment to the personal representatives of a teacher who dies in first class service after completing the prescribed period of first class service, of a death gratuity of an amount calculated in the prescribed manner.

#### *Return of contributions made by teacher to Scottish Teachers Superannuation Fund*

- 6 Provision shall be made for the return to a teacher of any contributions made by him to the Scottish Teachers Superannuation Fund established in accordance with section fourteen of the Act of 1908.

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*Status: This is the original version (as it was originally enacted).*

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*Return of contributions under the Education (Scotland)  
 Superannuation Act, 1922 and subsequent Acts*

- 7 Provision shall be made for the repayment to a teacher or to his personal representatives, in circumstances and on conditions to be prescribed, of contributions made by him in terms of the Act of 1922, the Act of 1925, the Act of 1946 or of this Act, together with compound interest on each contribution as from the prescribed date calculated at the rate of three per cent per annum with yearly rests, and for the cancellation on such repayment of the service in respect of which the said contributions were paid.

*Repayment by teachers of contributions returned to them*

- 8 Provision shall be made for permitting a teacher in circumstances and on conditions to be prescribed to repay the sums repaid to him under provisions included in the Teachers Superannuation Scheme by virtue of section two of the Act of 1922 or paragraph (a) of subsection (1) of section four of the Act of 1925, or sub-paragraph (5) of paragraph 2 of Part I of the Third Schedule to the Act of 1946, or under provisions included in the Teachers (Superannuation) Regulations by virtue of the said sub-paragraph (5) as read with subsection (3) of section one hundred and one of the Act of 1946 as set out in section ten of the Education (Scotland) Act, 1956, or of the last foregoing paragraph, together with compound interest thereon calculated from the date of repayment to him at the rate of three and half per cent per annum with yearly rests, and for the restoration to such teacher, on such repayment by him, of such claims under the Teachers Superannuation Scheme or the Teachers (Superannuation) Regulations as he would have had if no repayment had been made to him.

*Minimum amount of benefits*

- 9 Provision shall be made for securing that the total amount of benefit payable under the Teachers (Superannuation) Regulations to any teacher or to his personal representatives together with compound interest on any benefit calculated from the date of payment at three per cent per annum with yearly rests shall not (save as may be otherwise provided in cases where benefit is payable also under the Teachers (Superannuation) Acts, 1918 to 1956), be less than the total amount of the contributions paid by him under the Act of 1922, the Act of 1925, the Act of 1946 and this Act together with compound interest on such contributions from the prescribed date calculated at three per cent per annum with yearly rests.

*Exchange of part of annual allowance for other benefits*

- 10 Provision shall be made for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be prescribed, a teacher who has attained the age of sixty years shall be allowed to surrender as from the date of commencement of an annual allowance granted or to be granted to him under the Teachers (Superannuation) Regulations such part not exceeding one third of the allowance as may be specified, in return for benefits to be prescribed, and for enabling the Secretary of State to grant, in return for such surrender as aforesaid, according as the teacher may in conformity with rules made under the Teachers (Superannuation) Regulations elect, either—

- (1) to the spouse or to a dependant of the teacher a pension payable in respect of the period, if any, for which the spouse or dependant survives the teacher ; or

- (2) to the teacher an annuity payable as from the date of commencement of the annual allowance in respect of the period of the joint lives of himself and his spouse and to the spouse a pension payable in respect of the period, if any, for which the spouse survives the teacher:

Provided that—

- (i) for the purposes of this paragraph a teacher who dies in first class service after having surrendered part of the annual allowance to be awarded to him, shall be deemed to have been granted the annual allowance which would have been granted to him if he had retired on the day before his death ;
- (ii) the amount of the said pension or the amounts of the said annuity and pension, as the case may be, shall be such that the value or the aggregate value shall be actuarially equivalent (according to tables to be prepared from time to time by the Government Actuary), at the date of the commencement of the annual allowance, to the value of that part of the allowance which is surrendered ; and
- (iii) in ascertaining for the purpose of the last foregoing sub-paragraph of this proviso the actuarial equivalent of the part of the annual allowance which is surrendered by the teacher before retirement, it shall be assumed that there has been no change in the teacher's state of health between the date on which he makes the surrender and the date as from which the annual allowance is awarded or deemed to be awarded.

*Calculation of benefits where part of annual allowance has been surrendered*

- 11 Provision shall be made for determining, in the case where a teacher has surrendered part of a retiring allowance under any provision included in the Teachers Superannuation Scheme by virtue of subsection (3) of section four of the Act of 1937, or of sub-paragraph (8) of paragraph 2 of Part I of the Third Schedule to the Act of 1946, or under any provision included in the Teachers (Superannuation) Regulations by virtue of the said sub-paragraph (8) as read with subsection (3) of section one hundred and one of the Act of 1946 as set out in section ten of the Education (Scotland) Act, 1956, or of the last foregoing paragraph, how the amounts of any payments to him or his personal representatives are to be calculated for the purpose of any provision of the Teachers (Superannuation) Regulations, and for applying any provision of the said Regulations, with or without modifications, in respect of pensions and annuities granted under subsection (3) of section four of the Act of 1937 or under any provisions included in the Teachers (Superannuation) Regulations by virtue of the said sub-paragraph (8) or of the last foregoing paragraph and of persons entitled thereto.

*Reckoning of breaks in service as service*

- 12 Provision shall be made for enabling a teacher whose first class service is discontinued—
- (1) for a period not exceeding five years, or not exceeding such longer period as the Secretary of State may in any case direct, in the case of a teacher who during that period is employed—
- (a) as a teacher in any part of Her Majesty's dominions outside the United Kingdom, or

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- (b) as a teacher in any school in a foreign country which is shown to the satisfaction of the Secretary of State to be a school in which it is expedient to facilitate the employment of British teachers, or
  - (c) in an educational service outside the United Kingdom in employment which to a substantial extent involves the control or supervision of teachers, or
  - (d) as a teacher in any school maintained within the United Kingdom by the Government of any part of Her Majesty's Dominions outside the United Kingdom; or
- (2) for such period not exceeding five years as the Secretary of State may approve for the purpose of enabling a teacher to gain special experience of value in teaching ; or
- (3) for a period not exceeding one year in any other case, to pay to the Secretary of State with his consent sums equal to the aggregate of the contributions which would have been payable if the teacher had continued to be employed in first class service at his salary as at the date of discontinuing first class service; for enabling the said period to be reckoned as a period of first class service ; and for determining the amount of such payments which shall be reckoned as contributions by the teacher.

*Reckoning of periods of experience of value to teachers as service*

- 13 Provision shall be made for enabling the Secretary of State on the application of a teacher who entered first class service or second class service after gaining experience which, in the opinion of the Secretary of State, is or is likely to be of value to him as a teacher, to approve the said experience and to intimate to the teacher the period not exceeding five years which, in respect of the said experience, may be deemed a period of first class service and the purposes for which and the conditions (including payment of additional contributions) on which the said first class service may be recorded ; and, if the teacher intimates his agreement and undertakes to fulfil the said conditions, for the said period to be deemed a period of first class service and to be recorded accordingly; and for such consequential and other matters as may appear to .the Secretary of State to be necessary for the carrying out of this paragraph:

Provided that a period during which the teacher was undergoing whole-time education or whole-time training for the teaching profession or apprenticeship to a profession or trade or was engaged in service by virtue of an enlistment notice or a training notice served under Part I of the National Service Act, 1948, or any work or training in pursuance of an order made or direction given under the said Part I in respect of a conditionally registered conscientious objector shall not be so approved.

*Additional provisions*

- 14 Provision shall be made for such other matters as appear necessary to carry out the purposes of Part IV of this Act.

## PART II

### PROVISIONS TO WHICH THE TEACHERS (SUPERANNUATION) REGULATIONS MAY GIVE EFFECT

#### *Provisions which may be included in Regulations*

- 15 The Teachers (Superannuation) Regulations may, without prejudice to the generality of paragraph 14 of Part I of this Schedule, include provisions for the purposes set forth in the following paragraphs of this Part of this Schedule.

#### *Adjustment of interests under earlier schemes*

- 16 Provision may be made for the adjustment of existing interests under the Elementary School Teachers (Superannuation) Act, 1898, or the scheme framed in pursuance of section fourteen of the Act of 1908.

#### *Resumption of service by retired teachers*

- 17 Provision may be made for the adjustment of retiring allowances, gratuities or death gratuities in the case of teachers re-entering service after retirement therefrom.

#### *Age of retirement*

- 18 Provision may be made for the retirement from first class service at a prescribed age of teachers to whom the Teachers (Superannuation) Regulations apply.

#### *Retirement from posts of special responsibility*

- 19 Provision may be made for a teacher who holds a post of special responsibility within the meaning of the regulations for the time being in force made by the Secretary of State under section seventy-nine of the Act of 1946 or section eighty-three of this Act and will not, on completion of forty-five years of first class service or of first class service and second class service, have attained the age for retirement prescribed under the last foregoing paragraph, to be deemed to have offered to resign from the said post on the day on which he completes the said forty-five years, and for the retirement of the teacher from the said post on the said day if his resignation is accepted, so, however, that nothing in any provision included in the Teachers (Superannuation) Regulations under this paragraph shall prevent the employer from offering and the teacher from accepting appointment to another post.

#### *Pensions for widows, widowers, children and dependants of teachers*

- 20 Provision may be made for the payment of pensions of such amounts, in such cases and subject to such conditions as may be prescribed, to and for the benefit of the widows or widowers and the children (including children over school age) or other dependants of teachers who die after such date as may be prescribed and who when they die are in receipt of or eligible for an annual allowance or are employed in first class service and are in such circumstances that, if they had not died, they could have established a claim to an annual allowance on the grounds of infirmity, or, having been employed for not less than ten years in first class service or in first class service and second class service, die within such period after ceasing to be so employed as may be prescribed. Provision may be made for the application of such provisions in so far as they relate to pensions for widows, widowers and children, irrespective of

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election, to male teachers or to both male and female teachers who enter first class service or second class service on or after such date as may be prescribed, and to such male and female teachers to whom such provisions so relating do not apply as may elect that such provisions so relating shall apply to them or as do not elect that such provisions shall not apply to them. Provision may be made for the application of such provisions in so far as they relate to pensions for dependants to such male and female teachers as may elect that such provisions so relating shall apply to them or as do not elect that such provisions shall not apply to them. Provision may be made for the surrender or repayment in exchange for the said pensions of so much of the lump sums or death gratuities payable or paid, or of contributions returnable or returned, to or in respect of the said teachers as may be prescribed as being sufficient in the opinion of the Secretary of State to support the said pensions, and for such consequential and other matters as may appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph :

Provided that the power to include in the Teachers (Superannuation) Regulations provisions for the purposes of this paragraph shall not be exercised except with the approval of the Treasury and after consultation with representatives of education authorities and of teachers.

*Exchange of lump sum for additional pension*

- 21 Provision may be made for enabling a teacher to whom a retiring allowance is awarded to surrender, subject to such conditions as may be prescribed, the lump sum, or so much thereof as remains after a surrender under the last foregoing paragraph, in exchange for an additional annual allowance which shall be actuarially equivalent to the value of the lump sum surrendered under this paragraph; and for such consequential and other matters (including the adaptation of enactments) as may appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph.

*Teachers guilty of misconduct*

- 22 Provision may be made for the refusal, reduction or suspension of any benefit in the case of any teacher who has been guilty of misconduct.

*Protection of benefits against diligence of creditors*

- 23 Provision may be made for the protection of benefits against the diligence of creditors.

*Proof of title of personal representatives of teacher*

- 24 Provision may be made for dispensing with the necessity for confirmation before payment of benefits to the personal representatives of a deceased teacher.

*Mutual arrangements with countries of Her Majesty's dominions*

- 25 Provision may be made for giving effect to any arrangements made with any authority administering any statutory scheme of superannuation for school teachers in any part of Her Majesty's dominions, providing for the extension (whether with or without modification) of the Teachers (Superannuation) Regulations to service in the capacity of a teacher in that part of Her Majesty's dominions and for the



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extension of such statutory scheme to first class service within the meaning of the Teachers (Superannuation) Regulations.

*Extension of Regulations to teachers in schools not otherwise within scope of Regulations*

- 26 Provision may be made for applying on such conditions and with such modifications in regard to contributions and otherwise as may be prescribed the provisions of the Teachers (Superannuation) Regulations to teachers in schools which are not otherwise within the scope of the said Regulations:

Provided that the contributions payable by and in respect of such teachers shall be at rates prescribed from time to time after consultation with the Government Actuary with a view to securing that the contributions paid shall be equal in value to the benefits to be accorded in respect of such contributions.

*Calculation of length of first class service of temporary teachers*

- 27 Provision may be made where the part of the salary of a teacher which has vested in him in respect of a day of first class service after the thirty-first day of March, nineteen hundred and fifty-two, is greater than one three-hundred-and-sixty-fifth part of the annual rate of his salary on that day, that that day shall be reckoned in the calculation of the length of first class service of the teacher as a day and such fraction of a day as the Secretary of State may determine:

Provided that the teacher shall not be credited in any year beginning on the first day of April with a greater number of days of first class service than there are days in that year.

*Power to make Rules*

- 28 Provision may be made for the making by the Secretary of State of rules for the purpose of giving effect to the provisions of Part IV of this Act and for carrying the Teachers (Superannuation) Regulations into effect.

*Power to apply Acts and Provisional Orders*

- 29 Provision may be made for applying, with such modifications as appear necessary, any provisions contained in any Act of Parliament or Provisional Order confirmed by Parliament dealing with superannuation, including any penal provisions thereof.

*Power to settle questions*

- 30 Provision may be made for the final settlement by the Secretary of State of any questions which may arise as to the application of any part of the scheme framed in pursuance of section fourteen of the Act of 1908 or of the Teachers Superannuation Scheme or of the Teachers (Superannuation) Regulations to any person, or as to the amount of any benefit, or as to the payment, refusal, reduction or suspension of any benefit, or as to the return of any contribution to the Scottish Teachers Superannuation Fund established in accordance with section fourteen of the Act of 1908, or as to the reckoning of any service.

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*Status: This is the original version (as it was originally enacted).*

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*Modifications consequential on National Insurance Acts 1946 to 1959*

- 31 Provision may be made for making modifications upon the Teachers (Superannuation) Regulations consequential upon the passing of the National Insurance Acts 1946 to 1959.

*Matters arising under National Health Service (Scotland) Act, 1947*

- 32 Provision may be made for such other matters as appear necessary to carry out the purposes of the National Health Service (Scotland) Act, 1947.

### PART III

#### REGULATIONS TO BE INCORPORATED IN THE TEACHERS (SUPERANNUATION) REGULATIONS

*Regulations to be incorporated*

- 33 The following regulations shall, subject to the provisions of subsection (3) of section one hundred and two of this Act, be incorporated in the Teachers (Superannuation) Regulations:—

*“Independent superannuation schemes*

- 1 (1) Notwithstanding anything in any enactment, a teacher employed in first class service within the meaning of these Regulations shall not be subject to an independent superannuation scheme in respect of that service.
- (2) Where a teacher who becomes employed in first class service within the meaning of these Regulations.—
- (a) has, not more than one year before he so becomes employed in such first class service, been subject to an independent superannuation scheme, and
  - (b) would, but for the foregoing paragraph, be subject to such a scheme in respect of the first class service in which he so becomes employed,
- the first class service in which he so becomes employed shall not be treated as first class service within the meaning of these Regulations, and he shall be subject to the independent superannuation scheme accordingly:

Provided that if any teacher who is subject to an independent superannuation scheme by virtue of the foregoing provisions of this paragraph elects within the prescribed time and in the prescribed manner to withdraw from the scheme, the said provisions shall not have effect in relation to any first class service in which he is employed after the election takes effect.

- (3) Where any teacher makes such an election, the election shall take effect as from the time when he entered the first class service in which he is for the time being employed.
- (4) Where any such election is made by a teacher who is a contributory employee or a local Act contributor as defined by the Local Government Superannuation (Scotland) Act, 1937, he shall be entitled to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to that fund calculated in accordance with subsection (5)

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of section ten of the said Act of 1937, or, as the case may be, in accordance with the corresponding provision of the local Act scheme, together with compound interest on those contributions, calculated to the date on which he ceases to be a contributory employee or a local Act contributor at the rate of three per cent per annum with half-yearly rests.

- (5) In this Regulation the expression " independent superannuation scheme " means:—
- (a) any superannuation scheme other than these Regulations (including a superannuation scheme established by or under any public general or local Act of Parliament or Provisional Order confirmed by Act of Parliament) which provides for the payment of contributions to a fund by any local authority or the persons responsible for the management of any educational establishment or other educational institution, and for the payment out of that fund, in respect of service rendered to the authority or to those persons, of benefits on disablement, retirement, attainment of any specified age, or death; and
  - (b) any system of superannuation (not being a system established by or under any public general or local Act of Parliament or Provisional Order confirmed by Act of Parliament) operated jointly by a number of educational establishments or other educational institutions for the purpose of providing such benefits as aforesaid in respect of the service of persons employed by them.

*Recording of employment not previously recordable*

- 2 (1) Subject to the provisions of this Regulation, where a teacher who is or has been employed in first class service within the meaning of these Regulations after the second day of July, nineteen hundred and forty-five, by an education authority has before the said day been in whole-time paid employment in connection with education in Scotland, such employment shall, if he makes application to the Secretary of State for that purpose within the prescribed time and in the prescribed manner, be treated for the purposes of these Regulations as if it had been first class service within the meaning thereof :
- Provided that if upon making such an application he requests that his employment before any date specified by him shall not be treated as if it had been first class service within the meaning of these Regulations, his said employment before that date shall not be so treated by virtue of this Regulation.
- (2) Where an application made by a teacher under this Regulation relates, whether wholly or in part, to employment after the thirty-first day of May, nineteen hundred and twenty-two, he shall be liable to pay the appropriate contributions to the Secretary of State in respect of that employment in accordance with rules made by the Secretary of State ; and no employment after the said date shall be treated as first class service within the meaning of these Regulations by virtue of this Regulation unless the appropriate contributions are so paid in respect thereof.
- (3) For the purposes of this Regulation, the appropriate contributions are the contributions which would have been payable by the teacher in respect of the employment in question under the Education (Scotland) (Superannuation)

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Acts, 1919 to 1939, or the Education (Scotland) Act, 1946, or the Education (Scotland) Act, 1962, if that service had been first class service within the meaning of these Regulations.

- (4) Where a teacher has ceased to be in employment which is treated as first class service within the meaning of these Regulations by virtue of this Regulation in order to undertake war service, the provisions of the Education (Scotland) (War Service Superannuation) Act, 1939, shall have effect accordingly with respect to his period of war service, including any such period which falls after the second day of July, nineteen hundred and forty-five.

*Employer's contributions in respect of service not previously recorded*

- 3 (1) Subject to the provisions of this Regulation, where any period of employment after the fifteenth day of May, nineteen hundred and twenty-three, including any period of war service, is treated as first class service within the meaning of these Regulations by virtue of the last foregoing Regulation, the contributions (hereinafter referred to as " employer's contributions ") which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or the Education (Scotland) Act, 1946, or the Education (Scotland) Act, 1962, by the teacher's employer in respect of that employment shall be paid to the Secretary of State by the education authority by whom the teacher in question is employed in first class service within the meaning of these Regulations when he first becomes entitled to make an application under the last foregoing Regulation.
- (2) Where a teacher who has been a contributory employee or a local Act contributor as defined by the Local Government Superannuation (Scotland) Act, 1937 (hereinafter referred to as a Local Government Superannuation Act employee), becomes, not more than one year after ceasing to be a Local Government Superannuation Act employee, entitled to make an application under the last foregoing Regulation, no employer's contributions shall be payable in respect of any employment which he was, immediately before he last ceased to be a Local Government Superannuation Act employee, entitled to reckon for superannuation purposes under the said Act of 1937 or under any local Act scheme as defined by that Act.
- (3) In lieu of the employer's contributions which would have been payable in respect of any employment but for the last foregoing paragraph, there shall be paid to the Secretary of State in respect of that employment, out of the appropriate superannuation fund, a sum equivalent to the difference between the sum which has become or will become payable out of that fund in respect of the past contributions of the teacher who made the application (including any sum payable as interest upon such contributions) and the transfer value which would have been payable out of that fund under section twenty-four of the Local Government Superannuation (Scotland) Act, 1937, if, after he last ceased to be entitled to participate in the benefits of the fund, the said teacher had forthwith become entitled to participate in the benefits of some other superannuation fund maintained under that Act or under a local Act scheme as defined by that Act:

Provided that the sum paid to the Secretary of State by virtue of this paragraph in respect of any employment shall not exceed the aggregate amount of the contributions which would have been payable under the

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Education (Scotland) (Superannuation) Acts, 1919 to 1939, or the Education (Scotland) Act, 1946, or the Education (Scotland) Act, 1962, by the teacher's employer in respect of that employment.

- (4) For the purpose of the last foregoing paragraph—
- (a) the appropriate superannuation fund is the fund in the benefits of which the teacher in question was last entitled to participate as a Local Government Superannuation Act employee before becoming entitled to make the application under the last foregoing Regulation ; and
  - (b) the expression " past contributions " includes in relation to a contributory employee all such contributions as are mentioned in subsection (5) of section ten of the Local Government Superannuation (Scotland) Act, 1937, and in relation to a local Act contributor shall be construed accordingly.
- (5) Where a teacher ceased to be employed in any capacity in respect of which he was a Local Government Superannuation Act employee in order to undertake service which he was entitled to reckon for superannuation purposes by virtue of the Education (Scotland) (War Service Superannuation) Act, 1939, paragraphs (2), (3) and (4) of this Regulation shall have effect as if he had continued to be a Local Government Superannuation Act employee during the period of service which he was so entitled to reckon.
- (6) Any reference in this Regulation to the contributions which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or the Education (Scotland) Act, 1946, or the Education (Scotland) Act, 1962, by the teacher's employer in respect of the employment of any teacher shall, in relation to a period of war service, be construed as a reference to such employer's contributions only as would have been payable in respect of his service during that period, if immediately before undertaking war service he had been employed by an education authority, governing body or other body of managers.

*Contributions returnable exceeding death gratuities*

- 4 A death gratuity shall not be payable to the personal representative of a teacher where the amount thereof would be less than the amount of the contributions made by the teacher in terms of the Education (Scotland) (Superannuation) Acts, 1919 to 1939, and Part IV of the Education (Scotland) Act, 1946, and Part IV of the Education (Scotland) Act, 1962, (together with compound interest on each contribution as from the prescribed date calculated at the rate of three per cent per annum with yearly rests, but under deduction of—
- (1) any contributions returned to the teacher and not repaid by him, and
  - (2) any other sums paid or payable under these Regulations to him or to his personal representative.”

*Status: This is the original version (as it was originally enacted).*

## FOURTH SCHEDULE

Section 103(2).

### ELECTION BY CERTAIN TEACHERS FOR APPLICATION TO THEM OF PROVISIONS RELATING TO RETIRING ALLOWANCES INTRODUCED IN 1956

Serial Number	Subject	Provisions of this Act
1	Definition of " pensionable salary ".	Section 110 in so far as it defines " pensionable salary ".
2	Payment of retiring allowances.	Schedule III, Part I, paragraph 2.
3	Service of which account may be taken for the calculation of annual allowances.	Schedule III, Part I, paragraph 3.
4	Surrender of part of annual allowance in exchange for benefits for spouse or dependants.	Schedule III, Part I, paragraph 10.
5	Reckoning of breaks in service as service.	Schedule III, Part I, paragraph 12.
6	Reckoning of periods spent in gaining experience of value to teachers as first class service.	Schedule III, Part I, paragraph 13.
7	Retirement of teachers in posts of special responsibility on completion of 45 years of service.	Schedule III, Part II, paragraph 19.
8	Pensions for widows, widowers, children and dependants of teachers.	Schedule III, Part II, paragraph 20.
9	Surrender of lump sums for additional annual allowances.	Schedule III, Part II, paragraph 21.
10	Calculation of number of days of first class service in special cases.	Schedule III, Part II, paragraph 27.

## FIFTH SCHEDULE

Section 105(4).

## REDUCTION OF CONTRIBUTIONS OF TEACHERS IN PARTICIPATING EMPLOYMENT

Annual rate of salary	Annual rate of reduction of contributions		
	£	s.	d.
Up to £468		Nil	
Over £468 but not exceeding £520		8	0
Over £520 but not exceeding £572	1	5	0
Over £572 but not exceeding £624	2	2	0
Over £624 but not exceeding £676	2	19	0
Over £676 but not exceeding £728	3	16	0
Over £728 but not exceeding £780	4	13	0
Over £780	5	2	0

## SIXTH SCHEDULE

Section 107.

## TEACHERS SUPERANNUATION ACCOUNT

- 1 The accounting periods for which the account shall be made up shall be from the first day of April in each year to the thirty-first day of March in the next year.
- 2 There shall be treated as having been paid into the revenue for each accounting period—
  - (1) by teachers the amount of teachers' contributions attributable to the period, and by the education authorities, governing bodies or other bodies of managers by whom such teachers are employed the amount of the employers' contributions attributable to the period, including any supplementary contributions;
  - (2) out of moneys provided by Parliament a sum equal to the expenditure during the period upon superannuation and other allowances attributable to service before the first day of June, nineteen hundred and twenty-two ;
  - (3) a sum representing interest at the rate of three and a half per cent. per annum on the mean balance, if any, of revenue over expenditure during the period ; such mean balance being calculated by adding together one half of the balance (exclusive of any interest under this paragraph) remaining at the end of the period and one half of the balance, if any, carried forward from the last preceding accounting period;

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- (4) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period; and
- (5) any other revenue attributable to the period.
- 3        There shall be shown the expenditure upon allowances and gratuities attributable to service before the first day of June, nineteen hundred and twenty-two, separately from expenditure upon allowances, gratuities, and the return of contributions attributable to service since that date.
- 4        There shall be shown in such manner as may be determined by the Secretary of State after consultation with the Treasury the expenditure incurred by the Secretary of State in respect of payments in lieu of contributions made under the National Insurance Act, 1959.

## SEVENTH SCHEDULE

Section 113(1).

### CONSTITUTION OF INDEPENDENT SCHOOLS TRIBUNALS

- 1        For the purpose of enabling Independent Schools Tribunals to be constituted as occasion may require, there shall be appointed by the Secretary of State a panel (hereinafter referred to as the "educational panel") of persons to act when required as members of any such tribunal.
- 2        No officer of any government department and no person employed by an education authority in any capacity other than that of a teacher shall be qualified to be appointed to the educational panel, and no person shall be so qualified unless he has had such experience in teaching or in the conduct, management or administration of schools as the Secretary of State considers suitable.
- 3        Any person appointed to be a member of the educational panel shall hold office for such period and subject to such conditions as may be determined by the Secretary of State.
- 4        Where any complaint is required to be determined by an Independent Schools Tribunal, the tribunal shall consist of the sheriff (or, if he is unable to act, a person qualified for appointment as sheriff nominated by the Lord President of the Court of Session), who shall be chairman, and two other members appointed from the educational panel by the Secretary of State, of whom at least one shall be a woman in the case of a complaint concerning a school for girls or a complaint concerning the proprietor of a school, or a teacher therein, who is a woman.
- 5        In this Schedule the expression "sheriff" does not include sheriff-substitute, and means the sheriff of the county in which the school to which the complaint relates is situated, or, in the case of an appeal against a refusal to remove a disqualification, the sheriff of the county where the appellant resides.



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EIGHTH SCHEDULE

Section 147.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	The whole Act so far as unrepealed.
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	The whole Act so far as unrepealed.
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act, 1947.	Eleventh Schedule, Part I, in so far as it relates to the Education (Scotland) Act, 1946.
12, 13 & 14 Geo. 6. c. 19.	The Education (Scotland) Act, 1949.	The whole Act.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act, 1949.	Twelfth Schedule, in so far as it relates to the Education (Scotland) Act, 1946.
4 & 5 Eliz. 2. c. 53.	The Teachers (Superannuation) Act, 1956.	Sections twenty-seven to thirty-six so far as unrepealed; in section forty, the words " or the Education (Scotland) Acts, 1939 to 1956 "
4 & 5 Eliz. 2. c. 75.	The Education (Scotland) Act, 1956.	The whole Act.
6 & 7 Eliz. 2. c. 64.	The Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.	In section five, subsections (1) and (3); section fourteen; in the Fourth Schedule, in Part I, paragraph 6; in Part III, paragraph 24, in so far as it relates to paragraph 6 of Part I; in the Fifth Schedule, paragraphs 2 to 7.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act, 1959.	The Eighth Schedule, Part II, in so far as it relates to the Education (Scotland) Act, 1946.
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act, 1960.	Section eleven; the First Schedule; the Fifth Schedule, in so far as it relates to the Education (Scotland) Act, 1945, the Education (Scotland) Act, 1946, the Education (Scotland) Act, 1949.
10 & 11 Eliz. 2 c. 12.	The Education Act, 1962.	Sections five, six and ten.

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NINTH SCHEDULE

Section 148.

POSTPONEMENT OF THE COMMENCEMENT OF CERTAIN PROVISIONS

Serial number	Provision	Day upon which the provision shall come into operation
1	In section one, subsection (3) so far as relating to compulsory further education and junior colleges.	Such day as the Secretary of State may by statutory instrument appoint
2	In section ten, subsection (1) so far as relating to junior colleges.	do.
3	Section eleven so far as relating to junior colleges.	do.
4	Section twenty-four so far as relating to junior colleges.	Such day as the Secretary of State may by statutory instrument appoint.
5	Sections thirty-two and thirty-three.	1st August, 1963.
6	Sections forty-five to forty-seven.	Such day as the Secretary of State may by statutory instrument appoint, being as early a day as he considers practicable.
7	Section forty-eight.	Such day as the Secretary of State may by statutory instrument appoint.
8	Section fifty so far as relating to junior colleges and in subsection (1) paragraph (c).	do.
9	Section fifty-two so far as relating to junior colleges.	do.
10	Section fifty-three so far as relating to junior colleges.	do.
11	Section fifty-eight so far as relating to junior colleges.	do.
12	Section sixty-one so far as relating to junior colleges.	do.
13	Section sixty-seven so far as relating to junior colleges.	do.
14	Section sixty-nine so far as relating to junior colleges.	do.



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### TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
School Sites Act, 1841	4 & 5 Vict. c. 38.
Endowed Institutions (Scotland) Act, 1878	41 & 42 Vict. c. 48.
Educational Endowments (Scotland) Act, 1882	45 & 46 Vict. c. 59.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Local Taxation (Customs and Excise) Act, 1890	53 & 54 Vict. c. 60.
Elementary School Teachers (Superannuation) Act, 1898	61 & 62 Vict. c. 57.
Education (Scotland) Act, 1908	8 Edw. 7. c. 63.
Education (Scotland) Act, 1918	8 & 9 Geo. 5. c. 48.
Education (Scotland) Superannuation Act, 1922	12 & 13 Geo. 5. c. 48.
Education (Scotland) Superannuation Act, 1925	15 & 16 Geo. 5. c. 55.
Unemployment Insurance Act, 1935	25 & 26 Geo. 5. c. 8.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Teachers (Superannuation) Act, 1937.	1 Edw. 8 & 1 Geo. 6. c. 47.
Factories Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 67.
Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 69.
Unemployment Insurance Act, 1938	1 & 2 Geo. 6. c. 8.
Reorganisation of Offices (Scotland) Act, 1939	2 & 3 Geo. 6. c. 20.
Education (Scotland) (War Service Superannuation) Act, 1939	2 & 3 Geo. 6. c. 96.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Education (Scotland) Act, 1945	8 & 9 Geo. 6. c. 37.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Education (Exemptions) (Scotland) Act, 1947	11 & 12 Geo. 6. c. 36.

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Short Title	Session and Chapter
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	11 & 12 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Education (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 19.
Criminal Justice (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 94.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.
Teachers (Superannuation) Act, 1956	4 & 5 Eliz. 2. c. 53.
Education (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 75.
Dentists Act, 1957	5 & 6 Eliz. 2. c. 28.
Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958	6 & 7 Eliz. 2. c. 64.
National Insurance Act, 1959	7 & 8 Eliz. 2. c. 47.
Mental Health Act, 1959	7 & 8 Eliz. 2. c. 61.
Mental Health (Scotland) Act, 1960	8 & 9 Eliz. 2. c. 61.
Factories Act, 1961	9 & 10 Eliz. 2. c. 34.
Local Government (Financial Provisions etc.) (Scotland) Act, 1962	10 & 11 Eliz. 2. c. 9.
Education Act, 1962	10 & 11 Eliz. 2. c. 12.

#### TABLE OF STATUTORY INSTRUMENTS REFERRED TO IN THIS ACT

Short Title	Year, Number and Volume Reference
The National Economy (Education) (Scotland) Order, 1931.	S.R. & O. 1931/812(1931, p. 394).
The Teachers (Superannuation) (Scotland) Regulations, 1957.	S.I. 1957/356 (1957 I, p. 733).
The Teachers (Training Authorities) (Scotland) Regulations, 1958.	S.I. 1958/1634 (1958 I; p. 1025).