

1977 No. 1360 (S. 104)**EDUCATION, SCOTLAND****The Teachers' Superannuation (Scotland) Regulations 1977**

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In exercise of the powers conferred on me by sections 9 and 12(1) of the Superannuation Act 1972(a), and of all other powers enabling me in that behalf, after consultation with representatives of education authorities and of teachers and with such representatives of other persons likely to be affected as appear to me to be appropriate, and with the consent of the Minister for the Civil Service, I hereby make the following regulations:—

PART I

GENERAL

Citation and commencement

1.—(1) These regulations may be cited as the Teachers' Superannuation (Scotland) Regulations 1977, shall come into operation on 7th September 1977 and, except as otherwise expressly provided, shall have effect from 1st August 1977.

(2) These regulations extend to Scotland only.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) Any reference in these regulations to any provision of any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended, modified or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it.

(3) Any reference to a regulation, Part or Schedule not otherwise identified is a reference to a regulation or Part of, or a Schedule to, these regulations; and any reference to a paragraph or a sub-paragraph is a reference to a paragraph of the regulation or of the Schedule, as the case may be, or to a sub-paragraph of the paragraph, in which the reference occurs.

Definitions

3.—(1) Unless the context otherwise requires—

“Act of 1922” means the Education (Scotland) (Superannuation) Act 1922(c);

“Act of 1939” means the Education (Scotland) (War Service Superannuation) Act 1939(d);

“the 1969 regulations” means the Teachers Superannuation (Scotland) Regulations 1969(e);

“the 1971 family benefits regulations” means the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971(f);

“actuarial” in relation to any sum or value (however described) means the sum or value determined by the Government Actuary;

“agreed” means agreed between the Secretary of State and the teacher or other person concerned;

“British Isles” means the United Kingdom, the Channel Islands and the Isle of Man;

(a) 1972 c. 11.

(c) 1922 c. 48.

(e) S.I. 1969/77 (1969 I, p. 133).

(b) 1889 c. 63.

(d) 1939 c. 96.

(f) S.I. 1971/1775 (1971 III, p. 4813).

“child” includes an illegitimate child or a child accepted as a member of the teacher’s family, who is wholly or mainly dependent on the teacher, and has not attained the age of 17 or, having attained the age of 17, is receiving full-time education or attending a course of not less than 2 years’ full-time training for a trade, profession or calling but does not include a person who is married nor a person who is for the time being in receipt of a disqualifying income; and a person who is incapacitated on the date when by virtue of this definition he would otherwise cease to be a child shall be treated as being a child for so long as that incapacity persists;

“comparable British service” means service which is pensionable under a public service superannuation scheme for teachers in any part of the British Isles other than Scotland;

“disqualifying income” means remuneration payable to a person attending a course of full-time training at a rate not less than the annual rate for the time being payable of an official pension (within the meaning of the Pensions (Increase) Act 1971(a)) which began on 1st April 1972 at the annual rate of £250;

“employer” means the employer of a teacher and includes a local authority, governing body or other body of managers;

“financial year” means a period of 12 months beginning on 1st April;

“full-time service” means service as a teacher under a contract providing for regular service for the whole of the working week;

“full-time teacher” means a teacher employed in full-time service;

“further education centre” has the meaning assigned to it by the Further Education (Scotland) Regulations 1959(b);

“incapacitated” means incapacitated during any period in which—

(a) in the case of a teacher, he is in the opinion of the Secretary of State incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service; and

(b) in the case of any other person, he is in the opinion of the Secretary of State incapable by reason of infirmity of mind or body of earning his livelihood and he is not maintained out of moneys provided by Parliament or raised by the rates levied by local authorities;

“incapacity gratuity” means a gratuity payable by virtue of regulation 56, or where the context so requires, a short service gratuity paid or payable by virtue of previous provisions;

“interchange provisions” means Part IX or any previous provisions to the like effect;

“local authority” has the meaning assigned to it by the Local Government (Scotland) Act 1973(c);

“nominated beneficiary” means a person nominated by a teacher under regulation 65 but does not include an incapacitated child on his ceasing to be a child;

“organiser” means a person in employment which involves the performance of duties in connection with the provision of education or services ancillary to education;

“part-time service” means—

(a) service as a teacher under a contract providing for regular service which is less than full-time; or

(a) 1971 c. 56.

(b) S.I. 1959/477 (1959 I, p. 1068).

(c) 1973 c. 65.

(b) service under a contract terminable without notice as a teacher employed temporarily in place of a regularly employed teacher but does not include—

(i) service which is remunerated at an hourly rate or by capitation fees; or

(ii) service of a person who is, or is deemed to be, a pensionable employee within the meaning of the Local Government Superannuation (Scotland) Regulations 1974 to 1975(a);

“part-time teacher” means a teacher employed in part-time service;

“pensionable salary” has the meaning assigned to it by regulation 8;

“previous provisions” means schemes or regulations or rules relating to the superannuation of teachers in Scotland in force at any time before the commencement of these regulations;

“reckonable service”, subject to regulation 6, has the meaning assigned to it by regulation 4;

“re-employed teacher” means a teacher who enters reckonable service after a retiring allowance has become payable to him;

“retiring allowance” means a yearly pension payable for life (hereinafter referred to as an ‘annual pension’) and a lump sum calculated and paid or payable in accordance with Part VI;

“salary” has the meaning assigned to it by regulation 7;

“Salaries Memorandum” means a memorandum setting out the scales and other provisions required for determining the relevant remuneration of teachers being a memorandum referred to in an order made by the Secretary of State under section 2 of the Remuneration of Teachers (Scotland) Act 1967(b) or that section as applied by section 4 of that Act;

“service”, in relation to reckonable service, means salaried employment under a contract of service with an employer of a person who at the date of the employment is over 18 and under 70 years of age;

“service counting for benefit” has the meaning assigned to it by Schedule 9;

“supervisor” means a person employed in a capacity connected with education which to a substantial extent involves the supervision or control of teachers;

“teacher” includes a person who has ceased to be a teacher and, except in Schedule 1, an organiser and a supervisor;

“terminal sum” includes

(a) a lump sum;

(b) an incapacity gratuity;

(c) any sum payable on the death of the teacher; and

(d) any sum payable under Part V;

“war service” has the meaning assigned to it by regulation 68(1);

“widow” means the wife of a deceased teacher but does not include a woman who married him after the date on which he was last employed in reckonable service;

“widower” except in Part VI means the husband of a deceased woman teacher who at the time of her death was her nominated beneficiary.

(a) S.I. 1975/638 (1975 I, p. 2284). (b) 1967 c. 36.

(2) References to an annual pension, a lump sum, a gratuity or a family pension are references to an annual pension, lump sum, gratuity or family pension payable under Parts VI and VII and "benefit", when used without qualification, is a reference to any or every such annual pension, lump sum, gratuity or family pension as the context requires but, except in regulation 86, does not include a return of contributions.

(3) References to the purchase of added years are, in relation to previous provisions, to be construed as including references to the payment of contributions by a teacher in respect of a period during which he was not employed in reckonable service.

(4) Unless the context otherwise requires, references to contributions and benefits payable in respect of a teacher are to be construed as including references to contributions paid by, and to benefits paid to, teachers.

(5) Other expressions used in these regulations to which meanings are assigned by the Education (Scotland) Acts 1939 to 1976(a) shall, unless the context otherwise requires, have the same respective meanings in these regulations as in those Acts.

Reckonable service

4.—(1) "Reckonable service" means—

- (a) any period during which a teacher is or was employed in reckonable service;
- (b) added years purchased;
- (c) service credited to the teacher by virtue of interchange provisions;
- (d) any period which is deemed to be service under the Act of 1939;
- (e) war service;
- (f) national service which is treated as teaching service by virtue of the Teachers' Pensions (National Service) (Scotland) Rules 1952(b).

(2) A teacher is in reckonable service at any time when he is—

- (a) in full-time service in an employment specified in Schedule 1; or
- (b) in part-time service in an employment specified in Schedule 1 which the teacher has elected, or is deemed to have elected, by virtue of regulation 5, to have recorded as reckonable service; or
- (c) in employment which is in continuation of employment treated as reckonable service under previous provisions—

and a teacher is referred to as having been employed in such service before the commencement of these regulations in respect of any period during which he was employed in comparable service under previous provisions.

(3) A teacher shall be treated as being in reckonable service during any period in which—

- (a) he is on ordinary leave (including leave pending the termination of his contract of service) on full pay;
- (b) he is on sick leave (recorded as such by his employer) unless either—
 - (i) he has been continuously so absent for more than 12 months or, in the case of absence on account of pulmonary tuberculosis, for more than 18 months; or

(a) 1976 c. 20.

(b) S.I. 1952/518 (1952 I, p. 928).

- (ii) he is not entitled to at least half pay, disregarding any reduction provided for by the terms of his employment;
 - (c) he is on special leave on full pay—
 - (i) to attend a course of instruction;
 - (ii) to serve as a teacher outside the British Isles under arrangements approved by the Secretary of State for the interchange of teachers;
 - (iii) for any other reason connected with his service as a teacher approved by the Secretary of State;
 - (iv) for any reason (other than sickness) not connected with his service as a teacher for any period not exceeding 30 working days in any financial year;
 - (d) he is suspended from duty on full pay.
- (4) In aggregating the total reckonable service recorded in respect of any teacher—
- (a) the amount in any financial year shall not exceed 365 days;
 - (b) all periods of reckonable service shall be aggregated and where 2 or more periods total 365 days or more each period of 365 days shall be reckoned as 1 year, service on the 29th February in a leap year being disregarded; and
 - (c) a half or greater fraction of a day shall be reckoned as a day and a smaller fraction shall be disregarded.

Part-time service

5.—(1) There shall be recorded as reckonable service the part-time employment of a teacher in any employment specified in Schedule 1 who elects by notice in writing to the Secretary of State to have his employment so recorded.

(2) An election for the purposes of this regulation shall be irrevocable and shall have effect from the first day of the month following that in which the Secretary of State notifies the teacher of its receipt or such earlier date as the Secretary of State may with the agreement of the employer direct.

(3) Any part-time teacher who was in reckonable service before 1st August 1977 by virtue of previous provisions shall be deemed to have made an election under paragraph (1) unless he notifies the Secretary of State to the contrary by 30th November 1977 or in the case of a teacher who is not in service on that date within 3 months of his re-entry into teaching service.

(4) For the purposes of entitlement to benefit under regulations 46 and 47 part-time service to which this regulation applies shall be treated as if it were full-time service; and for all other purposes of these regulations there shall be recorded as service in any financial year such number of days which bears to 365 the same proportion as the amount of salary paid to the teacher (or in a case of a teacher paying for current added years under Part III the salary which, in the opinion of the Secretary of State, he could have expected to receive) during the year bears to the amount of salary which would have been payable to him if he had been employed throughout the year in the same service at the annual rate of salary appropriate thereto.

(5) For the purposes of paragraph (4) any reduction of salary during any period of absence from reckonable service on sick leave as mentioned in regulation 4(3)(b) shall be disregarded.

Service not reckonable

- 6.—(1) A period of service is not reckonable if—
- (a) it is in continuation of service which was treated as not being reckonable service under previous provisions; or
 - (b) contributions are payable in respect of it by virtue of regulations under section 10(1) of the Superannuation Act 1972(a).
- (2)(a) The service to which this paragraph applies of a teacher who immediately before 1st August 1977 was in service which was treated as not being reckonable service by virtue of previous provisions shall not be reckonable service unless he elects under sub-paragraph (c) that it shall be reckonable service;
- (b) this paragraph applies to service in any employment specified in Schedule 1 by virtue of which the teacher is entitled to participate in benefits under section 7 or 8 of the Superannuation Act 1972 (“further employment”) beginning within 1 year of his ceasing to be employed as mentioned in sub-paragraph (a), and to subsequent further employment beginning within 1 year of his ceasing to be employed in further employment;
 - (c) an election for the purposes of this paragraph shall be made (within 3 months of the commencement of the employment to which this paragraph applies) by notice in writing to the Secretary of State and to the person administering the superannuation scheme under which the benefits mentioned in sub-paragraph (b) are provided.
- (3) The service of a teacher is not reckonable—
- (a) in the case of a teacher who before becoming employed was ordinarily resident outside the British Isles if and for so long as the Secretary of State is satisfied both that the employment will not exceed 2 years and that, when it is completed, he will cease to be resident within the British Isles;
 - (b) if having entered reckonable service for the first time after attaining the age of 55—
 - (i) without having been employed in comparable British service; or
 - (ii) having been employed in comparable British service in respect of which the Secretary of State did not receive a transfer value under interchange provisions—he so elects by notice in writing to the Secretary of State within 3 months of his becoming so employed.

Salary

- 7.—(1) Subject to paragraphs (2) and (3), the salary of a teacher shall for the purposes of these regulations, be taken to be the aggregate of the emoluments, whether in money or in kind, receivable by the teacher in respect of his employment in reckonable service excluding—
- (a) payments in respect of overtime, special services or extra duties;
 - (b) any emoluments receivable from or out of an educational endowment or bequest;
 - (c) any additional allowance paid to a teacher serving outside the British Isles under arrangements approved by the Secretary of State for the interchange of teachers;

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- (d) any special allowance paid to a teacher by the Secretary of State under the Teachers (Special Allowances) (Scotland) Provisional Regulations 1959(a);
- (e) payments by way of travelling or expense allowances;
- (f) additional payments which under the Salaries Memorandum are not deemed to be part of the teacher's salary for superannuation purposes;
- (g) any payments made in respect of the period from 1st September 1939 to 31st March 1944 by way of bonus or allowance in respect of increased cost of living.
- (2) The Secretary of State may make a direction, in such cases as he thinks appropriate, disapplying any exclusion under paragraph (1) from the salary of a teacher.
- (3) In determining the salary to which a teacher is entitled for the purposes of abatement of annual pension under regulation 60, the following payments to him shall be disregarded—
- (a) any payments in respect of employment in connection with education which, while employed in reckonable or comparable British service, the teacher undertook in addition to such service and which he continues after ceasing such service, not exceeding, when expressed as an annual rate, the average annual rate of such payments for the last 3 years of his employment in reckonable service or comparable British service;
- (b) any payments in respect of employment in connection with education outside the British Isles, being employment in which, in the opinion of the Secretary of State, it is expedient to facilitate the employment of teachers from Scotland; and
- (c) any fees in respect of employment for the purposes of the Scottish Certificate of Education or the General Certificate of Education.

Pensionable salary

8.—(1) Pensionable salary means—

- (a) as regards a teacher who has been employed in reckonable service for 1 year or more—
- (i) if he has been continuously employed in reckonable service throughout his terminal service, the highest amount of his salary for any year in that period;
- (ii) if he has not been so continuously employed, the highest amount of his salary for any 365 successive days of reckonable service in the period;
- (b) as regards a teacher who has been employed in reckonable service for less than 1 year, the average annual rate of his salary during that service.
- (2) For the purposes of this regulation—
- (a) a teacher shall be treated as having received during any period in respect of which he has paid contributions for current added years under Part III the salary by reference to which those contributions were calculated;
- (b) a teacher's pensionable salary shall include any increment which would have been payable after 1st August 1975 and which has been withheld or deferred in the national interest and in this context "increment" means an increase in pay for which provision is made in a pay scale; and

(a) S.I. 1959/1270 (1959 I, p. 1108).

(c) the salary of a teacher between 1st October 1974 and 30th September 1975 in respect of any such service as is specified in paragraph 1 of Schedule 5 shall be deemed to be the salary which is treated as his pensionable salary in respect of that period for the purposes of calculating any benefit payable in respect of him under a superannuation scheme operated under the Federated Superannuation System for Universities.

(3) If the Secretary of State is satisfied that the salary of a teacher has been unreasonably increased in respect of any period which is in the opinion of the Secretary of State relevant for the purposes of this regulation, his pensionable salary shall be calculated by reference to such a salary in respect of that period as the Secretary of State considers reasonable.

(4) In the case of a teacher who becomes entitled to retiring allowances by virtue only of regulation 46(1)(c), then unless either—

(a) he attained or, as the case may be, attains the age of 60 after 31st March 1972; or

(b) he attained the age of 60 before 1st April 1972 and was or, as the case may be, is employed in reckonable service on or after that date—

his pensionable salary shall be construed as a reference to the pensionable salary during his terminal service with the omission of the words "but has been employed for 1 year or more".

(5) In this regulation—

"reckonable service" includes employment of any kind specified in paragraphs 1 to 4 of Schedule 5, unless the teacher otherwise elects by notice in writing to the Secretary of State before any retiring allowances become payable to him;

"salary", in relation to a teacher who has made an election under regulation 12(2), means the salary by reference to which the contributions payable in respect of him were calculated (or, if by reason of regulation 16 contributions have ceased after 45 years, the salary by reference to which apart from that regulation contributions would be payable);

"terminal service" means—

(i) as regards any teacher who has been employed in reckonable service for 3 years or more, the 3 years of such service (whether continuous or not) next preceding the commencement of any pension or the accrual of any right to a lump sum or gratuity; and

(ii) as regards any teacher who has not been employed in reckonable service for 3 years or more but has been employed for 1 year or more, the period of that service.

Modification for national insurance

9. Schedule 12 has effect for modifying these regulations in consequence of the enactments relating to national insurance.

Savings, transitional provisions and revocations

10.—(1) Section 38(1) (repeals) of the Interpretation Act 1889(a) shall apply in respect of the regulations revoked by these regulations as if they were enactments repealed by an Act of Parliament.

- (2)(a) Anything done under any provision of the regulations hereby revoked, or any provision of previous provisions shall, if in force immediately before 1st August 1977 continue in force notwithstanding such revocation in like manner as if it had been done under these regulations, and in so far as it could have been done under a particular provision of these regulations, shall be deemed to have been done under that provision;
- (b) without prejudice to the generality of sub-paragraph (a), references therein to anything done shall include—
- (i) the determination of a question;
 - (ii) the exercise of a discretion;
 - (iii) the making of a payment (whether it relates to contributions or benefits);
 - (iv) the giving of a notice; and
 - (v) the making of an election.
- (3) The provisions of the 1971 family benefits regulations specified in column 1 of Schedule 13 shall apply subject to the modifications specified in column 2 of that Schedule to any contributor within the meaning of those regulations who has not been employed in reckonable service since 31st March 1972 for so long as he continues not to be so employed.
- (4) Subject to paragraph (3) and regulation 26 (which relates to pre-1973 contributors), the regulations specified in Schedule 14 shall cease to have effect and those regulations are hereby revoked.

PART II

CONTRIBUTIONS

Financing of benefits by contributions

11.—(1) For the purpose of defraying the cost of benefits contributions shall be paid to the Secretary of State by teachers and their employers.

(2) As regards any teacher—

(a) the teacher's contributions shall be the aggregate of:—

- (i) 6 per cent of his salary for the time being; and
- (ii) any contributions which he has elected or is required to pay under Parts III or IV; and

(b) the employer's contributions shall be the aggregate of:—

- (i) a sum equal to the rate per cent of the teacher's salary for the time being calculated by deducting the rate determined by paragraph (2)(a)(i) from the rate determined under regulation 82(4); and
- (ii) any supplementary contributions for the time being specified under regulation 82(3).

(3) The total contributions paid by a teacher under these regulations shall not exceed 15 per cent of his salary.

Contributions in respect of teacher on reduced salary

12.—(1) Subject to paragraph (3) the contributions payable in respect of a teacher whose salary is reduced during absence on sick (including maternity) leave shall be calculated by reference to the salary before the deduction of sickness or maternity benefit under the enactments relating to those benefits.

(2) The contributions payable in respect of a full-time teacher who before a retiring allowance becomes payable to him suffers a reduction in salary while continuing to be employed in reckonable service shall, if with the approval of the Secretary of State he so elects within 6 months of that reduction taking effect, be calculated by reference to the salary at which he was employed immediately before the reduction ("previous salary") until the salary at which he is currently employed ceases to be lower than his previous salary or he elects by notice in writing to the Secretary of State that the contributions shall cease to be calculated by reference to his previous salary.

(3) The contributions payable in pursuance of an election under paragraph (2) in respect of a teacher whose salary is reduced because of sickness shall be calculated by reference to a proportionate price of his previous salary.

(4) Nothing in this regulation shall affect an election made by a re-employed teacher under previous provisions.

Payment of teacher's contributions

13.—(1) The employer of a teacher employed in reckonable service shall deduct and pay to the Secretary of State—

- (a) from every payment of salary to the teacher, the contributions payable by the teacher in respect of that salary; and
- (b) from any payment or payments of salary to the teacher, any contributions payable by the teacher in respect of previous payments of salary which were not deducted from those payments.

(2) A teacher who has ceased to be employed by any employer shall pay to the Secretary of State any contributions payable in respect of salary paid by that employer which were not deducted from that salary together with any interest payable under regulation 15(3); and any such payment shall be made within 6 weeks of the serving on the teacher by the Secretary of State of a notice specifying the amount due to be paid.

(3) Any contributions not paid to the Secretary of State in accordance with paragraph (1) or (2) shall, together with any interest payable under regulation 15(2) or (3) be deducted from any benefit payable in respect of the teacher.

Time for making payments to the Secretary of State

14.—(1) Every teacher's contribution payable by deduction from salary shall be remitted and every employer's contribution shall be paid by the employer to the Secretary of State by the 15th day of each calendar month following the end of the month to which the salary relates.

(2) For the purposes of this regulation the annual salary of a teacher is to be deemed to be payable in 12 equal instalments; and any arrears of salary due by virtue of any retrospective increase in his remuneration shall be treated as payable in the month in which they are paid.

Interest on contributions

15.—(1) Unless the Secretary of State in any particular case otherwise directs, compound interest at the rate of 12 per cent per annum with monthly rests shall be payable by the employer on so much of the contributions due to be remitted by the employer to the Secretary of State in terms of regulation 13(1) and not received by the Secretary of State by the 15th day of the calendar month

following the month to which the contributions relate and interest payable by virtue of this paragraph shall accrue from the 16th day of the month and shall be paid and remitted by the employer to the Secretary of State.

(2) Except in a case to which regulation 13(2) applies compound interest at the rate of 4 per cent per annum with yearly rests shall be paid from the day following the expiry of 6 months following the period to which a contribution payable by a teacher direct to the Secretary of State relates on so much of that contribution as is not paid before that day.

(3) Compound interest at the rate of 4 per cent per annum with yearly rests shall be paid from the day following the expiry of 6 weeks after the serving of a notice under regulation 13(2) on so much of the contributions specified in that notice as is not paid before that day.

Cessation of contributions after 45 years of service

16. No contributions shall be payable in respect of any reckonable service beyond a total of 45 years.

Repayment of returned contributions

17.—(1) A re-employed teacher to whom contributions have been returned under regulation 45 may, if he is subsequently employed in reckonable service, repay those contributions to the Secretary of State at any time while he is so employed together with compound interest at the rate of $3\frac{1}{2}$ per cent per annum with yearly rests from the date of the return of the contributions until the date of their repayment to the Secretary of State.

(2) A teacher to whom contributions were returned before 1st June 1973 under a provision other than paragraph (1) may, if he becomes again employed in reckonable service, repay those contributions to the Secretary of State at any time while he is so employed together with compound interest at the rate of $3\frac{1}{2}$ per cent per annum with yearly rests from the date of the return of the contributions until the date of their repayment to the Secretary of State, provided that nothing in this paragraph shall apply in respect of contributions repaid to the Secretary of State after 31st May 1973 and subsequently returned by him to the teacher.

(3) Paragraph (1) and (2) shall apply with the necessary modifications to a teacher who is subsequently employed in comparable British service as they apply to a teacher who is subsequently employed in reckonable service, but only if the Secretary of State has not paid a transfer value in respect of him to the person responsible for the management of the superannuation scheme to which he becomes subject by virtue of that service.

(4) Paragraph (1) shall not apply to a re-employed teacher if he is by reason of his subsequent employment in reckonable service entitled to further benefits under regulation 59, unless he has not attained the age of 60 and payment to him of a pension is for the time being suspended under regulation 62.

Method of repayment of contributions returned under regulation 17

18.—(1) A teacher to whom regulation 17 applies shall if he so elects repay to the Secretary of State the sum specified by that regulation in accordance with this regulation.

(2) The payments under this regulation shall be made in uniform instalments of such amount and at such intervals as may be agreed while the teacher is employed in reckonable service and shall continue to be paid until the sum referred to in paragraph (1), together with the interest payable on it by virtue of paragraph (4) has been paid.

(3) The annual amount of any instalments paid under this regulation shall not exceed whichever is the lesser of—

(a) 9 per cent of the teacher's annual salary at the rate payable on the date the Secretary of State receives his election; and

(b) $\frac{1}{5}$ th of the sum specified in regulation 17(2) or such greater fraction of that sum as is represented by the reciprocal of the number of years by which his age on that date is less than 60—

reduced (in either case) by the amount by which any contributions payable by the teacher by way of deductions from salary under any provision of these regulations exceeds 6 per cent of his salary.

(4) Where a teacher elects to repay any contributions returned to him in accordance with the provisions of this regulation, there shall be payable, in addition to the sum specified by regulation 17(2), compound interest on the amount of that sum for the time being outstanding calculated at $3\frac{1}{2}$ per cent per annum with yearly rests from 31st March in each year from the payment of the first instalment under this regulation until the last payment of the sum specified by regulation 17(2); and any interest payable by virtue of this paragraph shall be paid in an instalment or instalments, of the amount and at the intervals agreed under paragraph (2), after the payment of the sum so specified has been completed.

(5) If a teacher who has commenced to pay instalments in accordance with this regulation becomes entitled to the award of a retiring allowance, or a death gratuity becomes payable in respect of him, before he has completed repayment, then—

(a) any retiring allowance payable in respect of him shall be calculated on the basis that he had completed repayment; and

(b) the amount outstanding shall be deducted from the lump sum or gratuity payable in respect of him.

(6) If, in a case not falling within paragraph (5), a teacher who has commenced to pay instalments in accordance with this regulation ceases to be employed in reckonable service before he has completed payment, he shall pay the amount outstanding in a single payment.

PART III

ADDED YEARS

Maximum purchase of added years

19.—(1) A teacher may purchase added years in accordance with this Part; but, subject to regulation 29, may not purchase added years, whether past or current or past and current, in excess of the permitted maximum, that is to say, subject to regulation 20, the number of years specified by the relevant entry in the following table—

TABLE

Age on first entry	Permitted maximum
Under 50	30
50	23
51	16
52	9
53	2
54	Twice the period remaining before the 55th birthday

(2) A teacher who ceases (otherwise than on death or becoming eligible for a retiring allowance under regulation 46(2)(c) or 47) to be employed in reckonable service before attaining the age of 60 without having completed the payment of his contributions under this Part may not purchase, and shall not be treated as having purchased, added years in excess of the number which bears to the greatest number of years which he could have purchased in accordance with these regulations the same proportion as his reckonable service bears to the reckonable service which he would have completed if he had been continuously employed in such service from the day when those contributions first became payable until he attained the age of 60.

(3) A teacher whose employment in reckonable service before he purchases added years has not been continuous shall for the purposes of these regulations be treated as having become first employed in such service at the age determined by adding to his actual age when he first became employed in reckonable service—

- (a) any period after he was first employed in reckonable service during which he was not employed in such service; and
- (b) any period which is treated as reckonable service by virtue of contributions paid under regulation 28 or a previous provision to the like effect.

Modification of regulation 19 in certain cases

20.—(1) This regulation modifies the provisions of regulation 19(1) in its application to the purchase of past added years by a teacher who on last becoming employed in reckonable service was entitled in respect of any former employment, trade, profession, vocation or office to superannuation benefits (including any immediate or deferred pension or lump sum and any gratuity or refund of contributions).

(2) The permitted maximum in respect of such a teacher as is described in paragraph (1) shall be such a number of years as will secure that the aggregate annual amount of the following sums does not exceed 2/3rds of his pensionable salary—

- (a) (except where the total value of the superannuation benefits does not exceed a lump sum of £2,000 or a deferred pension of £52) the actuarial value, expressed as an annuity payable to him, of any such superannuation benefits as are referred to in that paragraph;
- (b) so much of the annual pension payable to him as is attributable to his reckonable service before attaining the age of 60; and
- (c) the actuarial value, expressed as an annuity payable to him, of so much of the lump sum payable to him as is attributable to such service.

(3) For the purposes of paragraph (2) it is to be assumed that the teacher will continue to be employed in reckonable service until he attains the age of 60 on the same salary scale on which he is employed on the date when the calculation of the permitted maximum in his case falls to be made.

Purchase of past added years

21.—(1) Subject to regulation 22 a teacher employed in reckonable service except service which is reckonable under regulation 4(3)(b), who is, or as the case may be, was first employed in such service before attaining the age of 55 may elect to purchase the number of years, or any number of complete years, before the date of purchase during which he has not been employed in reckonable service—

- (a) after attaining the age of 20; and
- (b) before attaining the age of 60, or if on 1st April 1974 he had attained the age of 60, 65.

(2) Paragraph (1) applies to a teacher who is, or as the case may be, was first employed in comparable British service before attaining the age of 55 as it applies to a teacher so employed in reckonable service if, on the day he elects to purchase past added years that comparable British service is reckonable by virtue of a transfer value received under regulation 73.

(3) A teacher may not by virtue of this regulation purchase any added years which he has purchased as current added years by virtue of regulation 27.

(4) A part-time teacher to whom regulation 5(1) or (3) applies shall purchase added years by Method 2 in accordance with regulation 24; and any other teacher shall purchase such years by Method 1, 2 or 3 in accordance with regulations 23, 24 or 25 or partly by Method 2 and partly by either Method 1 or Method 3.

(5) In its application to any years following the discontinuance of the teacher's employment in reckonable service paragraph (1) shall have effect with the substitution of the word "those" for the word "complete".

Elections to purchase past added years

22.—(1) A first election for the purposes of regulation 21 shall be made by the teacher not later than his 55th birthday, unless either—

- (a) having been employed in reckonable service before (but not after) 1st April 1974 he becomes again employed in such service after attaining the age of 55; or
- (b) he first becomes employed in reckonable service after attaining the age of 55 having previously been employed in comparable British service in respect of which—
 - (i) he paid contributions under a provision corresponding to this Part in force elsewhere in the British Isles; and
 - (ii) a transfer value was paid to the Secretary of State;

and in those cases the election shall be made not later than the expiry of 6 months after the day on which he first becomes again employed, or as the case may be, first becomes employed in such service.

(2) Subject to regulation 19 a subsequent election for the purposes of regulation 21 may be made by a teacher—

- (a) within 6 months of his becoming again employed in reckonable service in respect of any period after he has made an election under paragraph (1) or this sub-paragraph during which he has not been employed in reckonable service; or
 - (b) at any time after he has made an election under paragraph (1) for which he specified that purchase shall be made under regulation 23 by Method 1 provided that:—
 - (i) he is under 58 years of age at the time of the subsequent election;
 - (ii) he again elects to purchase by Method 1; and
 - (iii) the 15 per cent limitation specified in regulation 11(3) is not exceeded.
- (3) A first election under this regulation by a teacher employed in full-time service shall specify the method or combination of methods by which the contributions payable by the teacher shall be paid; and, if he elects to pay contributions by Method 1, the rate at which he elects to pay those contributions.
- (4) An election shall be made by notice in writing to the Secretary of State and shall be effective from the date of its receipt.
- (5) An election may be varied in accordance with the provisions of paragraph (2), or paragraph 4 of Schedule 3, but subject thereto shall be irrevocable.

Method 1 contributions

- 23.—(1) Method 1 contributions shall be paid at the rate for the time being specified by the teacher in accordance with Schedule 3 from the first day of the month following the acceptance of his election until the actuarial cost (as determined by reference to table 1 of Schedule 3) of purchasing the added years which he elected to purchase has been met.
- (2) If the teacher becomes employed in reckonable part-time service, or in circumstances to which regulation 39 does not apply ceases to pay contributions by Method 1 before the actuarial cost referred to in paragraph (1) has been met, then, subject in either case to regulation 19(2), either—
- (a) if he so elects by notice in writing to the Secretary of State within 3 months of his ceasing to pay those contributions, he shall pay to the Secretary of State the actuarial equivalent of the balance of contributions outstanding, and he shall be treated as having purchased the added years which he elected to purchase; or
 - (b) if he does not so elect, he shall be treated as having purchased only that number of added years as bears to the number which he elected to purchase the same proportion as the period during which he paid contributions bears to the period during which those contributions would have been paid if he had continued to pay them until the actuarial cost had been met.
- (3) If a teacher to whom paragraph (2) applies by virtue of his ceasing to be employed in full-time reckonable service again becomes employed in such service without having made an election as is mentioned in paragraph (2)(a), contributions shall be paid by him in accordance with paragraph (1) in respect of so many of the added years which he elected to purchase as he is treated by virtue of paragraph (2)(b) as not having purchased.
- (4) In the case of any teacher in respect of whom the period referred to in paragraph (1) ends after whichever is the later of his 60th birthday and the date upon which retiring allowances first become payable to him under regulation 46(2)(a) or (b)—

- (a) if the amount of his contributions determined in accordance with table 2 of Schedule 3 as outstanding for payment does not exceed the terminal sum payable in respect of him, that amount shall be deducted from that sum; and
- (b) if that amount exceeds that sum, then no terminal sum shall be payable in respect of him and either—
- (i) the teacher shall be treated as having purchased that number of added years which bears to the number he elected to purchase the same proportion as the aggregate of the number of years during which he paid contributions and the number during which he is deemed in accordance with this paragraph to have paid contributions bears to the total period during which those contributions would have been paid if he had continued to pay them until the actuarial cost of purchasing the added years had been met; or
 - (ii) if he so elects the teacher may pay the excess to the Secretary of State by a single payment:

provided that, unless he elects that it shall apply to him, this paragraph shall not apply to a teacher to whom paragraph (2)(b) applies in any case where the period required to meet the actuarial cost referred to ends without his again becoming employed in reckonable service.

(5) For the purposes of paragraph (4)(b)(i) a teacher to whom that paragraph applies is deemed to have paid contributions during the number of years shown in the entry in column A of table 2 of Schedule 3 against the entry in column B specifying the highest factor in column B which does not exceed the sum ascertained by dividing the terminal sum payable in respect of him by the annual amount of his contributions at the last rate payable.

(6) Paragraph (4) (except the proviso) shall apply with the necessary modifications in the case of any teacher in respect of whom a terminal sum becomes payable before his 60th birthday other than by virtue of regulation 46(2)(c), the reference in paragraph (4)(b)(i) to the number of years during which he paid contributions being read as a reference to the number of years during which he would have paid contributions if he had remained in reckonable service until he attained the age of 60 and the reference to the number of years during which he is deemed to have paid contributions being read as a reference to the number which is the actuarial equivalent of the terminal sum that would apart from that paragraph have been payable to him.

(7) Method 1 contributions shall be paid direct to the Secretary of State during any period in which the teacher is paying contributions for current added years in accordance with regulation 28 and in any other circumstances by deduction from salary.

Method 2 contributions

24. Method 2 contributions shall be made by payment direct to the Secretary of State not later than 1 month after the acceptance of the teacher's election of an amount ascertained by multiplying the number of added years which the teacher elects to purchase by the factor determined in accordance with table 3 of Schedule 3.

Method 3 contributions

25.—(1) Method 3 contributions shall be paid—

(a) in the case of a teacher who has not attained the age of 55, in accordance with the formula:

$$\text{annual instalment} = \frac{S \times (1 + .05N)}{N}$$

where S = the amount ascertained in accordance with regulation 24;
and

N = the number of years over which payment is to extend; and

(b) in any other case, by the payment of the actuarial equivalent of the contributions payable by that teacher by Method 2.

(2) Method 3 contributions shall be payable monthly in uniform instalments by deduction from salary during any period in which the teacher is employed in reckonable service or direct to the Secretary of State if he is paying contributions for current added years in accordance with regulation 28—

(a) in the case of a teacher who is not over 55, for such a period of not less than 5 nor more than 10 years expiring not later than his 60th birthday as may be agreed; and

(b) in the case of a teacher who is over 55 for a period of 5 years.

(3) The annual amount of Method 3 contributions shall not exceed whichever is the lesser of—

(a) 9 per cent of the annual rate of the teacher's salary at the date of the acceptance of his election to pay them; and

(b) such lower percentage as may be determined by deducting from 9 per cent the percentage rate of any contributions which on the date of that acceptance the teacher is paying in addition to the contributions payable as the teacher's contribution by virtue of regulation 11.

(4) In a case where the teacher becomes incapacitated before attaining the age of 60 or dies without having completed the payment of his contributions—

(a) if he has paid contributions for not less than 1 year, he shall be treated as having purchased the number of years which he elected to purchase;

(b) if he has not paid contributions for 1 year, he shall be treated as not having purchased added years and the amount of contributions paid by him shall be returned to him or, as the case may be, paid to his personal representatives.

(5) If the teacher ceases to pay contributions before the amount determined under paragraph (1) has been paid either—

(a) on a retiring allowance becoming payable to him by virtue of regulation 46; or

(b) on his ceasing to be employed in reckonable full-time service in circumstances to which neither paragraph (4) nor sub-paragraph (a) apply,

then subject in either case to regulation 19(2), either—

(i) if he so elects by notice in writing to the Secretary of State within 3 months of the occurrence of the event specified in sub-paragraph (a) or, as the case may be, this sub-paragraph, the amount outstanding shall be paid by deduction from the terminal sum payable in respect of him or in such other manner as may be agreed; or

- (ii) if he does not so elect, he shall be treated as having purchased that number of added years which bears to the number which he elected to purchase the same proportion as the number of instalments which he has paid bears to the number of instalments which he would have paid if payment of contributions under this regulation had not been discontinued.

Pre-1973 contributors

26.—(1) “Pre-1973 contributor” means a teacher who on 1st August 1977 was paying contributions under regulation 31 of the 1969 regulations which he commenced to pay before 1973.

(2) A pre-1973 contributor who does not elect to purchase added years under regulation 21 within the time specified by regulation 22 shall continue to pay contributions in accordance with the said regulation 31 and accordingly regulation 15(3) of the 1969 regulations shall continue to apply to him.

(3) If a pre-1973 contributor who by virtue of paragraph (2) continues to pay contributions in accordance with the said regulation 31 ceases to be employed in reckonable service before attaining the age of 60 without becoming entitled to retiring allowances under regulation 46, 47 or 56 he shall be treated as having purchased that number of added years which bears to the period of previous employment in respect of which he gave notice to the Secretary of State under regulation 15(3)(a) of the 1969 regulations the same proportion as the period during which he paid additional contributions under the said regulation 31 bears to the period between the date when he began to pay those contributions and his 60th birthday.

(4) A pre-1973 contributor who elects to purchase added years under regulation 21 shall, on commencing to pay contributions under these regulations, cease to pay contributions under regulation 31 of the 1969 regulations and shall be treated as having purchased such a number of added years as is specified by paragraph (3).

Purchase of current added years

27.—(1) Subject to paragraphs (2) and (3) a teacher, not being a teacher who is entitled to a retiring allowance under regulation 46(2)(c), whose employment in reckonable service is discontinued shall purchase so many as he may elect of any years before he attains the age of 60 during the period following that discontinuance—

- (a) not exceeding 6 years during which he is employed—
 - (i) as a teacher in any school outside the British Isles in which, in the opinion of the Secretary of State, it is expedient to facilitate the employment of teachers from Scotland;
 - (ii) in an educational service outside the British Isles in employment which to a substantial extent involves the control or supervision of teachers in such schools;
- (b) not exceeding 3 years during which he is not so employed as is mentioned in sub-paragraph (a).

(2) If in the case of any teacher who has purchased added years under paragraph (1)—

- (a) his employment in reckonable service is discontinued within 1 year of his becoming again employed in reckonable service; or

(b) on the expiry of those years he continues not to be employed in reckonable service,

he may purchase only so many (if any) added years during the further period in which he is not employed in reckonable service as, when added to the number previously purchased by him under this regulation, do not exceed the maximum prescribed by the sub-paragraph of paragraph (1) which is applicable to that further period.

(3) Paragraph (1) shall not, unless the Secretary of State so directs in respect of any teacher, apply in any case where the employment of a teacher in reckonable service is discontinued within 1 year of the expiry of any period in respect of which he has previously paid contributions for current added years.

(4) An election for the purposes of this regulation shall be made by notice in writing to the Secretary of State—

(a) in a case falling within paragraph (1)(a), within 6 months; or

(b) in a case falling within paragraph (1)(b), within 3 months

of the relevant sub-paragraph becoming applicable to the teacher.

(5) Added years shall be purchased for the purposes of this regulation in accordance with regulation 28.

(6) Regulation 88 shall not apply in relation to this regulation.

Contributions for current added years

28.—(1) The contributions payable by a teacher in respect of current added years shall be a sum equal to the aggregate of the contributions which would have been payable in respect of those years if he had continued throughout those years to be employed in reckonable service at the salary which in the opinion of the Secretary of State he could have expected to receive if he had been so employed.

(2) So much of the contributions paid by a teacher under this regulation as is equal to the contributions which would have been payable by him if he had continued to be employed in reckonable service shall be treated as having been paid by way of teacher's contributions and the remainder shall be treated as having been paid by way of employer's contributions.

Special provision relating to period 1st December 1973—31st March 1974

29.—(1) Notwithstanding regulation 19(1), a teacher who at any time between 1st December 1973 and 31st March 1974 inclusive was employed in reckonable service for any number of days specified in the 1st column below, shall be treated as having purchased the number of days specified in the corresponding entry in the 2nd column.

<i>Column 1</i>	<i>Column 2</i>
Less than 12	0
12—35	1
36—59	2
60—83	3
84—107	4
more than 107	5

(2) In any case where, by reason of the operation of paragraph (1), the reckonable service of a teacher before he attains the age of 60 exceeds 40 years, the provisions for the payment of contributions contained in regulation 23, 24 or 25 (as the case may be) shall be modified accordingly.

(3) Paragraph (1) shall not apply to any teacher who paid contributions at the rate of $6\frac{1}{2}$ per cent instead of at 6 per cent in respect of any period of reckonable service between 1st December 1973 and 31st March 1974 inclusive and who, before 11th September 1975, received a return of his excess contributions.

PART IV

CONTRIBUTIONS FOR PRE-APRIL 1972 FAMILY PENSIONS

Interpretation of Part IV

30. In this Part—

“member” means a teacher employed in reckonable service on or after 1st April 1972 who immediately before that date had service counting for benefit within the meaning of regulation 37 of the 1971 family benefits regulations;

“non-member” means a teacher employed in reckonable service on or after 1st April 1972 who immediately before that date had no such service counting for benefit as is referred to in the definition of “member”;

“deemed normal service” means $\frac{2}{3}$ of any service as at 31st March 1972 in respect of which the full amount of normal contributions was held in the Teachers’ Family Benefits Fund on that date;

“deemed additional service” means the number of years determined in accordance with table 1 of Schedule 4 as the actuarial value of any additional contributions held in that fund on 31st March 1972 in respect of reckonable service as at that date;

“notional service” means the number of years determined as the actuarial value of the interest of the member concerned in the balance (so determined) of that fund as at 31st March 1972.

Member’s contributions

31.—(1) A member shall pay contributions in accordance with these regulations in respect of so much (if any) as he elects of his reckonable service before 1st April 1972 as exceeds the aggregate of his deemed normal service, his notional service, his deemed additional service (if any) and $\frac{1}{6}$ th of the period of previous service in respect of which prior to that date he paid or elected to pay contributions for family pensions.

(2) A member who elected to pay additional contributions in respect of his previous service by Method III within the meaning of the 1971 family benefits regulations may, by notice in writing delivered to the Secretary of State within the time specified for an election by regulation 35, revoke his election to pay such contributions; and any such member who does not so revoke that election shall be liable to a deduction from the terminal sum in accordance with regulation 38(1).

Non-member’s contributions

32. A non-member shall, if he so elects, pay contributions in respect of the whole of his reckonable service before 1st April 1972 or, if that service amounts to 5 years or more, 5 or more complete years of that service as he may elect.

Retired teacher's contributions

33. A teacher who, having been employed in reckonable service on or after 1st April 1972, retired from such service without having made an election shall, if a retiring allowance becomes payable to him and he then so elects, pay contributions in the form of a lump sum equal to the actuarial equivalent of the contributions which he could have elected to pay under regulation 31(1) or (2) if he had again become employed in reckonable service before that allowance became payable to him.

Election to pay contributions

34. —(1) The first election by any teacher for the purposes of this Part shall specify—

- (a) the number of years in respect of which he elects to pay contributions; and
- (b) the rate at which he elects to pay contributions expressed as a percentage, being a whole number not exceeding 9, of the salary in respect of which contributions fall to be paid.

(2) An election shall be made in writing and delivered to the Secretary of State and shall be effective from the date of its receipt by him.

(3) In so far as it specifies the number of years in respect of which contributions are to be paid an election shall be irrevocable; but in so far as it specifies the rate at which contributions are to be paid it may from time to time be varied by a subsequent election to pay contributions at a higher rate (expressed as is specified in paragraph (1)(b)) taking effect from 1st April following the end of the calendar year in which that subsequent election is received by the Secretary of State.

Time for making elections

35.—(1) A man teacher may make a first election within the 6 months next following the first to occur of any of the following events—

- (a) his marriage, if he is then employed in reckonable service;
- (b) his becoming again employed in reckonable service after his marriage while not so employed;
- (c) his becoming again employed in reckonable service after ceasing to be so employed within the period specified by paragraph (3) for the making of an election;
- (d) the acceptance of a nomination by him of an adult dependant under regulation 65.

(2) A woman teacher may make a first election within the 6 months next following the acceptance of a nomination by her of an adult dependant under regulation 65.

(3) Subject to paragraphs (1) and (2), a first election for the purposes of this Part shall be made by—

- (a) a member who was not employed in reckonable service for a continuous period of 6 months between 1st November 1974 and 31st July 1977; and
- (b) a non-member who was not employed for such a period after 8th January 1974 and before 1st August 1977,

within 6 months of the teacher again becoming employed in reckonable service.

Determination by Secretary of State

36.—(1) The Secretary of State shall as soon as may be after the receipt of an election determine in accordance with table 2 of Schedule 4 the period for which contributions are required to be paid by the teacher.

(2) A determination under paragraph (1) may be varied by a subsequent determination, and shall be so varied if—

- (a) payment of contributions is interrupted by a break in reckonable service; or
- (b) the amount of his contributions is reduced by reason of the teacher being for the time being employed in part-time service or (in the case of a teacher already so employed) being so employed for a smaller proportion of his time; or
- (c) a contribution is not paid.

(3) The Secretary of State shall as soon as may be after making a determination serve a notice in writing on the teacher specifying as may be appropriate—

- (a) the day on which, in accordance with regulation 37, the payment of contributions is to begin;
- (b) the period for which contributions are required to be paid; and
- (c) any liability of the teacher to a deduction by virtue of regulation 38 from the terminal sum payable in respect of him.

Rate and duration of contributions

37.—(1) Contributions shall be paid, at the rate for the time being specified by the teacher in an election under this Part, for so long as he continues to be employed, or is treated as if he were employed, in reckonable service (any period in respect of which he pays contributions for current added years under Part III being treated as a period of employment in reckonable service).

(2) Contributions shall begin to be paid by a teacher on the 1st day of the month next following the date of the notice served on him by the Secretary of State under regulation 36(3) and shall cease to be paid on whichever is the earlier of the day he retires from reckonable service and the day specified in that notice as the last day on which contributions are required to be paid by him.

Deduction from terminal sum

38.—(1) If a member who elected to pay contributions by Method III (within the meaning of the 1971 family benefits regulations) and did not revoke his election to pay such contributions either—

- (a) does not elect to pay contributions under regulation 31(1); or
- (b) elects to pay such contributions in respect of a period which is less than $\frac{2}{3}$ of the period in respect of which he elected to pay contributions by the said Method III—

there shall be deducted from the terminal sum payable in respect of him the actuarial cost of defraying the benefits payable in respect of him in so far as they relate to his reckonable service before 1st April 1972.

(2) If, as regards any teacher, the period determined under regulation 36(1) ends after whichever is the later of his 60th birthday and the date on which retiring allowances first become payable to him under regulation 46(2)(a) or (b) there shall be deducted from the terminal sum payable in respect of him the amount determined in accordance with table 2 of Schedule 3 as outstanding for payment.

(3) There shall be deducted from any terminal sum payable in respect of a teacher before his 60th birthday by virtue of regulation 46(2)(c) or 47 the actuarial equivalent of the amount which would have been outstanding for payment on that birthday if he had continued to pay contributions under this Part at the last rate specified by him until he attained the age of 60; and if any such teacher becomes again employed in reckonable service he shall be treated as having paid those contributions.

(4) There shall be deducted from the terminal sum payable in respect of a teacher who was a former external contributor, (within the meaning of the 1971 family benefits regulations) or paid to the Secretary of State in such manner as may be agreed, the actuarial equivalent of the cost of defraying such part of any pension payable in respect of that teacher as is attributable to outstanding contributions under the provisions of an external scheme within the meaning of those regulations.

(5) If a married man teacher to whom regulation 35 applies dies within 6 months of becoming employed in reckonable service without having made an election under the preceding provisions of this Part then unless his widow elects that regulation 66 shall not apply, the amount determined under paragraph (6) shall be deducted from so much of the terminal sum payable in respect of him as is applicable for her benefit, or paid to the Secretary of State in such manner as may be agreed.

(6) The amount mentioned in paragraph (5) is the amount by which the cost of defraying so much of the widow's pension payable under regulation 66 as relates to the teacher's reckonable service before 1st April 1972 exceeds the actuarial equivalent of the contributions which would have been payable by him under this Part if he had remained in reckonable service until he attained the age of 60.

(7) There shall be deducted from so much of the terminal sum payable in respect of a teacher as is applicable for the benefit of his widow or paid to the Secretary of State in such manner as may be agreed, the actuarial equivalent of the long-term pension payable to her under regulation 67.

(8) References to sums applicable for the benefit of a widow are references to sums which may be so applied in accordance with the teacher's will, or if he died intestate, in accordance with the law relating to intestacy.

(9) If, in the case of a teacher in respect of whom a deduction has been made from the terminal sum under paragraph (2) or (3) or (5) or (7), a retrospective increase (whether authorised before or after the commencement of these regulations) in the salary payable in respect of his reckonable service would result in a further sum being payable by way of lump sum benefit but the further deduction required by that paragraph would be greater than that sum, the teacher, or as the case may be the teacher's widow, may elect not to pay those contributions; and in that event no further deduction shall be made from the terminal sum.

PART V

RETURN OF CONTRIBUTIONS

Return of contributions on cessation of employment

39.—(1) A teacher shall be entitled on the expiry of the period specified in sub-paragraph (d) to have returned the balance of his contributions calculated as at the date of return in accordance with regulation 42, reduced by a sum equal to the tax chargeable on that balance under paragraph 2 of Part II of

Schedule 5 to the Finance Act 1970(a) (charge to tax on repayment of employee's contributions), if before attaining the age of 70 he has ceased or ceases to be employed in reckonable service and the following conditions apply:—

- (a) he is not entitled to any benefit;
- (b) in the case of a teacher whose reckonable service ends after 31st March 1977 he is not qualified by service since 1st April 1972 for any such benefit;
- (c) since he ceased to be employed in reckonable service a transfer value in respect of him has neither been paid, nor is payable, by the Secretary of State under interchange provisions;
- (d) he continues not to be employed in reckonable service for at least 3 months or such shorter period as (in special circumstances) may be approved by the Secretary of State; and
- (e) the period mentioned in sub-paragraph (d) is not a period of absence in respect of which contributions for current added years are being paid under Part III.

(2) Unless the Secretary of State otherwise directs in pursuance of paragraph (3), paragraph (1) shall not apply to a teacher whose salary in any financial year has exceeded £5,000 but any such teacher shall, if he has attained the age of 60 and would apart from this paragraph be entitled to have returned any sum under paragraph (1), be entitled to be paid by the Secretary of State an annuity equal to the actuarial equivalent of the balance of his contributions.

(3) The Secretary of State, after consultation with the Board of Inland Revenue, may direct that paragraph (1) shall apply to a teacher notwithstanding that his salary in any financial year has exceeded £5,000 in any case where the Secretary of State is satisfied that the teacher's salary exceeded that amount by virtue only of a general increase in the remuneration of teachers authorised after he ceased to be employed in reckonable service.

Return of contributions at 70

40.—(1) A teacher who has at any time since 31st March 1926 been employed in reckonable service and on attaining the age of 70 is not (or as the case may be was not) entitled to benefit under these regulations or previous provisions, shall be entitled to have returned the balance of his contributions calculated in accordance with regulation 42 as at the date on which he attains (or as the case may be attained) the age of 70, reduced by a sum equal to the tax chargeable under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970.

(2) Unless the Secretary of State otherwise directs in pursuance of paragraph (3), paragraph (1) shall not apply to a teacher whose salary in any financial year has exceeded £5,000; but any such teacher shall, if he would apart from this paragraph be entitled to have returned any sum under paragraph (1), be entitled to be paid by the Secretary of State an annuity equal to the actuarial equivalent of the balance of his contributions.

(3) The Secretary of State, after consultation with the Board of Inland Revenue, may direct that paragraph (1) shall apply to a teacher notwithstanding that his salary in any financial year has exceeded £5,000 in any case where the Secretary of State is satisfied that the teacher's salary exceeded that amount by virtue only of a general increase in the remuneration of teachers authorised after he ceased to be employed in reckonable service.

Payment to personal representatives

41. The personal representatives of a teacher who had at any time since 31st March 1926 been employed in reckonable service may be entitled to be paid a sum equal to the balance of his contributions (except a member's contributions to which regulation 43 applies) calculated as at the date of his death where either—

- (a) the teacher was such a person as is mentioned in regulation 43(1); or
- (b) a death gratuity would but for regulation 57(3) be payable in respect of him and no pension is payable in respect of his widow or an adult nominated beneficiary under Part VII—

together with the amount which would have been payable to him under regulation 43 if on the day of his death he had become entitled to be paid under that regulation (no reduction being made in respect of tax chargeable under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970).

Calculation for purposes of regulations 39 to 41

42.—(1) For the purposes of this Part the balance of a teacher's contributions as at any date at which it is to be calculated ("the date of calculation") shall be the amount by which the aggregate of the contributions paid by the teacher specified in paragraph (2) exceeds the aggregate of the payments to the teacher specified in paragraph (3).

(2) The contributions referred to are any contributions paid or treated as paid as teacher's contributions, together with compound interest at 3 per cent per annum with yearly rests from the first day of the financial year following that to which they were or are attributable under the superannuation provisions in force at the time they were paid to the date of calculation.

(3) The payments referred to are the aggregate of any sums (including any previous return of contributions) and any amount added to a death gratuity by virtue of the Pensions (Increase) Act 1971(a) paid or payable to the teacher or his personal representatives under statutory provisions for the superannuation of teachers in the British Isles, together with compound interest at 3 per cent per annum with yearly rests from the date of payment to the date of calculation.

(4) The contributions specified in paragraph (2), and mentioned in paragraph (3) as returned, include contributions paid or treated as paid as teacher's contributions in respect of comparable British service or class A external service (within the meaning of the 1969 regulations as originally made) of any teacher in respect of whom the Secretary of State has received a transfer value in respect of that service under interchange provisions.

(5) No account shall be taken of any contributions paid in respect of a period of service which, having been reckoned under section 15 of the Local Government Superannuation (Scotland) Act 1937(b) or a corresponding provision contained in a local Act scheme within the meaning of that Act, is reckonable as service under regulations made under section 10 of the Superannuation Act 1972(c).

(6) In any case where a payment in lieu of contributions has been made by the Secretary of State under the National Insurance Act 1965(d), the amount recoverable by the Secretary of State shall be deemed to have been deducted from the teacher's contributions on the date on which the payment in lieu of contributions became due.

(a) 1971 c. 56.
(c) 1972 c. 11.

(b) 1937 c. 69.
(d) 1965 c. 51.

(7) In calculating for the purposes of paragraph (2) of this regulation the aggregate of the contributions paid by the teacher, the aggregate of any contributions returned to the teacher and not repaid by him to the Secretary of State shall be left out of account, and in calculating the aggregate of any sums paid to the teacher or his personal representatives the aggregate of any sums paid in returning contributions to the teacher other than contributions for past added years under Part III shall be left out of account.

(8) A teacher to whom paragraph 13 of Schedule 12 applies shall be entitled to be paid by the Secretary of State a sum equal to the balance of his contributions calculated as at the date of return and for that purpose the provisions of this Part shall apply subject to the modification that the balance of his contributions as determined thereunder shall be reduced by an amount equal to half of the actuarial value of the annual pension payable to him.

(9) For the purposes of paragraph (3) there shall be disregarded any allocation of an annual pension under regulation 53 or deduction from a lump sum benefit under regulation 38.

Return of member's contributions

43.—(1) A member (within the meaning of regulation 30) who could have elected, but did not elect before ceasing to be employed in reckonable service to pay contributions under regulation 31, shall be entitled to be paid the sum applicable to his case in accordance with paragraph (2), reduced by a sum equal to the tax chargeable on the return under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970, if one of the following conditions is satisfied—

- (a) he is entitled to have returned the balance of his contributions under regulation 39; or
- (b) he is entitled to have returned the balance of his contributions under regulation 40; or
- (c) he becomes eligible for retiring allowances and on his death no pension other than an allocated pension under regulation 53 will be payable to his widow or an adult nominated beneficiary.

(2) The sum to be paid under paragraph (1) is—

- (a) in the case of a teacher in respect of whom, had he died at any time between 1st April 1965 and 31st March 1972 no benefit would have been payable under the family pensions provisions in force at that time, the aggregate of the normal and additional contributions paid under those provisions; or
- (b) in any other case, the aggregate of—
 - (i) half the normal contributions paid by him in respect of any period ending before the date on which he ceased to have a wife to whom in the event of his death a pension would have been payable;
 - (ii) the normal contributions paid by him in respect of any other period; and
 - (iii) the additional contributions paid by him

together, in any case, with compound interest calculated at 3 per cent per annum with yearly rests from the 1st day of the financial year next following the date of payment by the teacher to the date of return to him.

Return of contributions paid under 1922 Act

44. A teacher who paid contributions under the Act of 1922 and who did not subsequently become employed in reckonable service, or the personal representatives of such a teacher, shall be entitled to be paid by the Secretary of State a sum equal to the amount of those contributions reduced by the amount of any sums paid to him by way of benefit under a previous provision.

Return to pensioners after further service—

45. A teacher—

- (a) to whom an annual pension, lump sum or incapacity gratuity was granted or paid under previous provisions or has become payable under these regulations;
- (b) who after a retiring allowance or gratuity was granted, paid or became payable to him on or after the commencement of these regulations, is employed in reckonable service; and
- (c) who since any such retiring allowance or gratuity was granted, paid or became payable to him is not qualified by reason of his service for a subsequent annual pension in respect of his further service—

shall be entitled on ceasing to be employed in reckonable service to have returned by the Secretary of State a sum equal to the contributions paid by him in respect of the service mentioned in paragraph (c) together with compound interest at 3 per cent per annum with yearly rests from the date of payment to the date of calculation, reduced by a sum equal to the tax chargeable on that return under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970.

PART VI

PERSONAL BENEFITS

Entitlement to retiring allowances on grounds of age or redundancy

46.—(1) Subject to paragraph (2) a retiring allowance shall be paid to any teacher who being under the age of 65 has left reckonable service, or being under the age of 70 service which is defined as reckonable in regulation 8(5), and who—

- (a) was on 1st April 1972 employed in reckonable service and has been employed in such service, whether before or after that date, for at least 5 years; or
- (b) has been employed in reckonable service after 31st March 1972 for at least 5 years; or
- (c) served in reckonable service before 23rd April 1973 and has been employed for at least 10 years in reckonable service or partly in reckonable service and partly in employment which commenced before the said date of a description specified in Schedule 5.

(2) Subject to paragraph (1) and regulation 47 a retiring allowance shall be paid to a teacher—

- (a) who has attained the age of 60 or such earlier age as is applicable to the teacher by virtue of regulation 48; or
- (b) who has retired under the Retirement of Teachers (Scotland) Act 1976(a); or

(a) 1976 c. 65.

(c) whose employer has certified that on or after 1st April 1976 the teacher ceased, or is ceasing, after attaining the age of 50, to hold his employment by reason of redundancy or in the interests of the efficient exercise of the employer's functions.

(3) For all purposes of this regulation paragraph (1) shall be read without the words "for at least 5 years" (in both places where they occur) in their application to a teacher in respect of whom either—

(a) after his accrued entitlement to benefits had been transferred by payment of a transfer value to the superannuation scheme of the Commission of the European Community, the Secretary of State has received on his return to reckonable service a transfer value from the person responsible for the management of that scheme; or

(b) the Secretary of State has received a transfer value from the person responsible for the management of any other superannuation scheme under which the teacher had, immediately before that transfer value was paid, been credited with service qualifying for benefits which, taken with his reckonable service, amounts to at least 5 years.

Entitlement to retiring allowance on grounds of incapacity

47.—(1) A retiring allowance shall be paid to any teacher who becomes incapacitated before the age of 60 and who, except on grounds of age or redundancy, satisfies the conditions for entitlement to retiring allowances as set out in regulation 46.

(2) A retiring allowance payable under this regulation shall begin to accrue on the day following that on which the teacher ceases to be employed in reckonable service, or if application has been made at a later date, on the date of application or such other date as the Secretary of State, having regard to all the circumstances, thinks appropriate.

(3) Any retiring allowance payable by virtue of this regulation shall, from the day on which the teacher attains the age of 60, be deemed to be paid by virtue of regulation 46.

Early retirement of services civilian teachers

48.—(1) In the application of these regulations to a teacher with reckonable service who has at any time been in reckonable service as a services civilian teacher under Part IX of the Teachers' Superannuation Regulations 1967^(a) for any reference to the age of 60 in this Part there shall be substituted a reference to such age as is ascertained by deducting from 60 years a period of 3 months for each completed year of such service not exceeding 20 (other than as a locally entered teacher) in a specified country.

(2) For the purposes of this regulation—

(a) a "services civilian teacher" means a person employed by the Secretary of State for Defence in full-time civilian service with the Royal Navy, the Army or the Royal Air Force either in the capacity of a teacher or lecturer or in a capacity which to a substantial extent involves the control or supervision of teachers;

(b) "specified country" means a country or place to which section 25 of the Superannuation Act 1965^(b) for the time being applied; and

(c) "locally entered teacher" means a services civilian teacher who was engaged elsewhere than in the United Kingdom.

^(a) S.I. 1967/489 (1967 I, p. 1562).

^(b) 1965 c. 74.

Reckonable service for entitlement and for benefit

- 49.**—(1) For the purposes of entitlement to benefit under this Part—
- (a) a teacher shall be treated as having been employed in reckonable service during any period which is treated as reckonable service by virtue of payment of contributions for current added years under Part III;
 - (b) references to reckonable service do not include service treated as reckonable by virtue of the payment of contributions for past added years under Part III;
 - (c) any period in respect of which contributions paid by the teacher have been returned and not repaid to the Secretary of State in pursuance of regulation 17 shall be disregarded.
- (2) In calculating any benefit payable under this Part—
- (a) war service shall count as half;
 - (b) any period of reckonable service in respect of which a proportion only of the contributions due has been paid shall count as that proportion of the period; and
 - (c) there shall be disregarded any period of service in respect of which either—
 - (i) contributions have not been paid by the teacher unless the Secretary of State directs otherwise; or
 - (ii) contributions paid by the teacher have been returned and not repaid to the Secretary of State in pursuance of regulation 17; or
 - (iii) an annuity has been paid to the teacher under regulation 39(2) or 40(2);
 - (d) no account shall be taken of—
 - (i) any reckonable service in excess of 45 years; or
 - (ii) reckonable service in excess of 40 years before the teacher attains the age of 60; and
 - (e) for the purposes of calculating the lump sum under regulation 54 in the case of a teacher who has reckonable service before 1st October 1956—
 - (i) any service to be disregarded by virtue of sub-paragraph (d)(i) shall be taken from the beginning of his reckonable service; and
 - (ii) sub-paragraph (d)(ii) shall not apply.

Calculation where reckonable service is less than 20 years

- 50.** In calculating the retiring allowance of a teacher whose employment in reckonable service amounts to less than 20 years—
- (a) any annual pension shall be increased by 1/350th of his pensionable salary in respect of each past added year (if any) purchased by him under Part III which is in excess of the number applicable to him by virtue of sub-paragraph (b); and
 - (b) in the case of the lump sum there shall be disregarded any past added years purchased by him under Part III in excess of the number of column (2) of the table below which appears against the entry in column (1) specifying the number of years of such employment.

TABLE

(1)	(2)
Number of completed years of employment in reckonable service	Past added years
19	17
18	15
17	13
16	11
15	9
14	7
less than 14	8 less than the number of years of actual reckonable service

(c) For the purpose of paragraph (b) a teacher who becomes incapacitated before attaining the age of 60 shall be treated as having continued in actual reckonable service until the date on which he attains that age.

Enhancement of reckonable service

51.—(1) If while he is employed in reckonable service a teacher becomes incapacitated, his reckonable service shall be enhanced in accordance with the table below.

(2) The table below applies only if the application for the retiring allowance under regulation 47 is made within 12 months after the teacher was last employed in reckonable service or, where the Secretary of State is satisfied that the teacher could not reasonably have been expected to make the application within 12 months, such longer period as may be approved by him.

TABLE

(1) Actual reckonable service	(2) Service counting for allowances (subject to column (3))	(3) Limitation on column (2)
5 years to 9 years 364 days	Twice the number of years of the actual reckonable service	Not exceeding the amount of service which could have been completed by 65th birthday
10 years to 13 years 122 days	20 years	ditto
More than 13 years 122 days	either 20 years or actual reckonable service plus 6 years 243 days whichever is more favourable	ditto Not exceeding the amount of service which could have been completed by 60th birthday

(3) For the purposes of this regulation a teacher shall be treated as having been employed in reckonable service during any period which is treated as reckonable service by virtue of the payment of contributions for current added years under Part III, but subject thereto references to reckonable service do not include service treated as reckonable by virtue of the payment of contributions for past added years under Part III.

Amount of annual pension

52. Subject to regulations 50 and 55 the annual pension payable to a teacher shall be calculated by multiplying 1/80th of his pensionable salary by the number of years of his reckonable service which may be taken into account in accordance with regulations 49 and 51.

Allocation of annual pension

53.—(1) A teacher may in accordance with Schedule 6 by declaration or declarations allocate not more than 1/3rd of the annual pension payable to him for the provision as he may elect of either—

- (a) a pension commencing on his death to his widow, or a person dependent on him, for the life of that widow or dependant (Option A); or
- (b) an annuity to him and his wife for their joint lives and, on his death, a pension for life to his widow (Option B).

(2) In paragraph (1) the reference to a teacher's wife is a reference to his wife at the time of the declaration and "widow" shall be construed accordingly; and in its application to a woman teacher the paragraph shall have effect with the substitution of references to the teacher's husband and widower for the references to the teacher's wife and widow.

(3) No declaration shall take effect before a teacher is entitled to a retiring allowance by virtue of regulation 46; but notice of intention to make a declaration may be given at any time within, and shall not be given before, the 4 months preceding the date of entitlement to those allowances.

(4) Subject to the provisions of Schedule 6 relating to the revocation and voidance of declarations, a declaration shall take effect on its delivery to the Secretary of State and thereupon—

- (a) as from the date upon which the annual pension begins to accrue—
 - (i) the amount of the annual pension calculated under regulation 52 shall be reduced by the amount allocated by the teacher; and
 - (ii) in a case falling within paragraph (1)(b), the annuity there mentioned shall be paid at the rate determined by the Secretary of State in accordance with actuarial tables;
- (b) on the subsequent death of the teacher, a pension shall be payable in accordance with his declaration at the rate so determined.

(5) Where a teacher whose declaration is made otherwise than in pursuance of a notice of his intention to retire within 4 months of the serving of that notice dies while employed in reckonable service after his declaration takes effect, he shall, for the purposes of paragraph (4), be deemed to have died immediately after the annual pension which would have been payable to him began to accrue.

(6) Where an annual pension has begun to accrue after the teacher has notified the Secretary of State of his intention to make an allocation but before the declaration referred to in paragraph (1) has been delivered to the Secretary of State, the annual pension may be paid at a rate not exceeding 2/3rds of the rate calculated under regulation 52 until the delivery of that declaration; and any overpayment or underpayment of the annual pension shall be deducted from or, as the case may be, added to subsequent payments of the annual pension.

(7) A teacher who has made an allocation under this regulation and to whom a retiring allowance has not at any time been payable may make a further allocation in favour of the same beneficiary and in accordance with the same

option as his previous allocation, unless the previous allocation becomes void upon the death of the beneficiary, in which case the further allocation shall be in favour of another beneficiary and may be in accordance with another option.

Amount of lump sum

54.—(1) Subject to paragraph (2) the lump sum payable to a teacher shall be the aggregate of—

- (a) the amount ascertained by multiplying 1/30th of his pensionable salary by the number of years of his reckonable service before 1st October 1956; and
- (b) the amount ascertained by multiplying 3/80ths of his pensionable salary by the aggregate of the number of years of his reckonable service after 30th September 1956 and any number of past added years which he purchased under Part III.

(2) As regards a teacher who has reckonable service before 1st October 1956 the amount of lump sum attributable to service before he attained the age of 60 shall not exceed $1\frac{1}{2}$ times his pensionable salary.

(3)(a) Where a lump sum benefit has been paid under regulations made under section 220 of the Local Government (Scotland) Act 1973(a) (early retirement of certain officers) to a teacher who was not entitled to be paid a retiring allowance under previous provisions, an amount equal to so much of the lump sum benefit as is related to the reckonable service then credited to him shall be deducted from—

- (i) any lump sum, balance of contributions or death gratuity payable by virtue of regulations 46, 42 or 57 in respect of that teacher or;
 - (ii) any transfer value in respect of reckonable service of that teacher which falls to be paid by the Secretary of State by virtue of regulation 72 or previous provisions after that lump sum benefit was paid but before any such retiring allowance becomes payable.
- (b) Any amount deducted in pursuance of sub-paragraph (a) shall be paid by the Secretary of State to the local authority by whom the lump sum benefit was paid as soon as may be after—
- (i) (in a case falling within sub-paragraph (a)(i), the lump sum, balance of contributions or death gratuity becomes or would, apart from sub-paragraph (a) have become payable in respect of the teacher; or
 - (ii) (in a case falling within sub-paragraph (a)(ii)) the payment of the transfer value in question.

(c) A teacher to whom a lump sum benefit has been paid under regulations made under section 220 of the Local Government (Scotland) Act 1973 shall be treated for the purposes of regulation 39 (return of contributions on cessation of employment) and 40 (return of contributions at 70) as being qualified for a retiring allowance or gratuity under these regulations and accordingly shall not be entitled to be repaid any sum under regulations 39 or 40.

Modifications for teachers on reduced salary

55.—(1) The retiring allowance payable to a teacher retiring at 60 of a description specified in column A of the table below whose pensionable salary falls by virtue of an election made under regulation 12(2) to be calculated by

reference to his salary within the meaning of regulation 8(5) shall not exceed the fraction prescribed in column B of that table of whichever is the greater of the 2 sums specified in paragraph (2).

TABLE

A <i>Description of teacher</i>	B <i>Fraction of specified sum</i>	
	<i>For pension</i>	<i>For lump sum</i>
(i) First entered reckonable service before age 40 and has service falling within regulation 4(1)(a) or (c) of at least 20 years	1/2	120/80
(ii) First entered reckonable service at age 40	1/2	108/80
(iii) age 41	1/2	99/80
(iv) age 42	1/2	90/80
(v) age 43	1/2	81/80
(vi) age 44	1/2	72/80
(vii) age 45	1/2	63/80
(viii) age 46	1/2	54/80
(ix) age 47	1/2	48/80
(x) age 48	1/2	42/80
(xi) age 49	1/2	36/80
(xii) age 50	2/5	30/80
(xiii) age 51	3/10	24/80
(xiv) age 52	1/5	21/80
(xv) age 53	1/10	18/80
(xvi) age 54	1/14	15/80

NOTE: This paragraph does not apply to a teacher if the aggregate of his reckonable service before the date on which his pensionable salary falls to be calculated and the period between that date and his 60th birthday amounts to less than 5 years.

(2) The 2 sums mentioned in paragraph (1) are—

- (a) the highest salary of the teacher for any 1 of the last 5 years of reckonable service; or
- (b) the annual average of the teacher's total remuneration for any period of 3 consecutive years during which he was employed in reckonable service ending not more than 10 years before the date when he ceased to so employed.

Gratuities on grounds of incapacity

56.—(1) An incapacity gratuity shall be paid to a teacher who ceases to be employed in reckonable service and who—

- (a) is not entitled to any retiring allowance by virtue of regulation 46 or 47; and
- (b) before attaining the age of 70 has become incapacitated; and
- (c) has been employed in reckonable service for not less than 1 year; and
- (d) has been so employed within the 12 months immediately preceding an application for a gratuity under this regulation.

(2) The amount of an incapacity gratuity shall be calculated by multiplying 1/12th of the teacher's pensionable salary by the number of years of his reckonable service.

(3) In the case of a teacher who subsequently becomes entitled to a retiring allowance by virtue of regulation 46 or 47 the amount of the lump sum payable under regulation 54 shall be reduced by the amount of the incapacity gratuity paid under this regulation.

Death gratuities

57.—(1) There may be paid to the personal representatives of a teacher who dies while employed in reckonable service, or within 1 year of ceasing by reason of incapacity to be so employed, a gratuity of an amount equal to whichever is the greater of—

- (a) the amount of the pensionable salary less the amount of any lump sum or incapacity gratuity previously paid to him; or
- (b) the lump sum which would have been payable to him if he had at the date of his death become incapacitated and his service had been enhanced under regulation 51.

(2) There may be paid to the personal representatives of a teacher who—

- (a) after 31st March 1972 ceased or ceases to be employed in reckonable service or service which would be reckonable if he had not attained the age of 70; and
- (b) was immediately before his death credited with not less than 5 years' reckonable service; and
- (c) is not a teacher in respect of whom a gratuity is payable under paragraph (1)—

a gratuity of an amount equal to the lump sum which would have been payable to him by virtue of regulation 54(1) if he had been entitled to a lump sum in accordance with those provisions.

(3) No gratuity shall be payable under this regulation in respect of a teacher to whose personal representatives is payable the balance of his contributions under regulation 41 or to whom retiring allowances were paid on grounds of incapacity by virtue of regulation 47 after he last ceased to be employed in reckonable service.

Deficiency payments

58.—(1) If, on the death of a teacher to whom retiring allowances have become payable in respect of reckonable service amounting to 10 years or more, the aggregate amount of the sums paid to him by way of annual pension and lump sum is less than his pensionable salary (no account being taken, in a case to which regulation 59(2) applies, of the salary referred to there as the pensionable salary determined at the end of further service) there may be paid to his personal representatives an amount equal to the deficiency.

(2) If, on the death of a teacher to whom retiring allowances have become payable in respect of reckonable service amounting to less than 10 years, the amount of the annual pension paid to him is less than 5 times the annual rate of that pension, there may be paid to his personal representatives an amount equal to the deficiency.

(3) There may be paid to the personal representatives of a teacher who dies in circumstances in which, if he had ceased to be employed for reasons other than death, he might have been entitled under regulation 59 in respect of further service to an annual pension and a lump sum, a deficiency payment not exceeding the amount whereby the lump sum which might have been so payable to the teacher exceeds the lump sum last paid to him.

(4) Notwithstanding paragraphs (1) and (2) a deficiency payment shall not be paid in respect of a teacher who was last employed in service of a kind specified in Schedule 5 which has been taken into account for the purposes of regulation 46(1)(c).

(5) For the purposes of this regulation there shall be disregarded any allocation of an annual pension or any deduction from a lump sum benefit.

Benefits after further service

59.—(1) If a teacher to whom a retiring allowance has become payable is again employed in reckonable service for not less than 365 days ("further service"), any annual pension previously paid shall cease to be paid on the discontinuance of that further service and, subject to paragraph (2), there shall be payable—

- (a) an annual pension in respect of the whole of his reckonable service calculated in accordance with this Part; and
- (b) a lump sum in respect of the service so calculated, reduced by the amount of any lump sum previously paid (any deduction under regulation 38 being disregarded).

(2) Where the pensionable salary of the teacher as determined at the end of his further service is less than his pensionable salary as determined for the purpose of calculating the retiring allowance previously payable, there shall be payable—

- (a) an annual pension of an amount equal to the annual pension previously payable; and
- (b) an annual pension in respect of his further service calculated in accordance with regulation 52; and
- (c) a lump sum in respect of that service calculated in accordance with regulation 54.

(3) For the purposes of paragraphs (1)(a) and (2)(a) the amount of any annual pension shall be taken to be the amount thereof apart from any allocation under regulation 53.

(4) If a teacher to whom an incapacity allowance has become payable by virtue of regulation 47 is again employed in reckonable service for not less than 365 days, there shall be payable on the discontinuance of that further service—

- (a) an annual pension calculated—
 - (i) in respect of his reckonable service before he attained the age of 60, in accordance with regulation 51 (his further service being deemed for this purpose to have begun on the day on which he became entitled to his previous annual pension); and
 - (ii) in respect of his reckonable service after he attained the age of 60, in accordance with regulation 52;
- (b) a lump sum calculated in accordance with regulations 51 and 54 respectively, reduced by the amount of any lump sum previously paid;

(5) Paragraph (4) shall apply to a teacher whose further service is discontinued before he attains the age of 60 only if it is discontinued on his incapacity.

(6) In the application of paragraph (4) to any teacher in respect of whom the previous retiring allowance payable fell to be calculated under column (3) of the table in regulation 51 the references to the age of 60 shall be read as references to the age of 65.

Abatement of annual pension

60.—(1) This regulation shall apply to any teacher who, after a retiring allowance has become payable to him is employed as a teacher in—

- (a) reckonable or comparable British service or service which would be reckonable or comparable British service if he had not attained the age of 70 or had 45 years' reckonable service;
- (b) subject to paragraph (2), service which would be reckonable if he had not before 1st July 1976 elected that his annual pension should be dealt with under "Method B" as set out in previous provisions; or
- (c) employment which is paid out of the Consolidated Fund or out of moneys provided by Parliament; or
- (d) employment by a local authority, or other body which receives grant from the Secretary of State or a local authority for the purposes of employing him.

(2) A teacher who before 1st July 1976 elected that his annual pension should be dealt with under the said "Method B" may elect to be in reckonable service by giving notice in writing to the Secretary of State and such an election shall have effect from the commencement of these regulations or from the date of the election, whichever shall be the later.

(3) In the case of a teacher to whom this regulation applies, the annual pension payable to him shall—

- (a) whilst he holds any employment to which paragraph (1) applies, being employment which is expressed to be regular employment, be so reduced or suspended (if necessary) as to ensure that his earnings together with his annual pension (including any increase under the Pensions (Increase) Act 1971)(a) shall not exceed his salary of reference;
- (b) whilst he holds any employment to which paragraph (1) applies, being employment which is not expressed to be regular employment, be so reduced or suspended (if necessary) for any quarter as to ensure that his earnings during that quarter together with his annual pension (including any increase under the Pensions (Increase) Act 1971) shall not exceed 1/4 of his salary of reference.

(4) For the purposes of paragraph (3) where, under previous provisions or under any corresponding provisions for the time being in force in any statutory superannuation scheme applicable to teachers in comparable British service, a teacher has surrendered the whole or part of his lump sum in return for additional annual pension, no account shall be taken of the said additional pension.

(5) For the purposes of paragraph (3) the rate of earnings at the commencement of the period of employment shall be deemed to remain constant throughout the period of employment, provided that where there is a change of grade,

or any other change in the conditions or terms of the employment which in the opinion of the Secretary of State constitutes a variation in the employment, the rate of earnings shall be taken to be that payable on the commencement of such change.

(6) For the purposes of this regulation the salary of reference of a re-employed teacher shall be the highest salary rate received during the last 3 years of reckonable or comparable British service, whether continuous or not, before retiring allowances last became payable to him, provided that—

- (i) if during that period the teacher has paid contributions on a previous higher salary under previous provisions and that salary is more favourable, it shall be the salary of reference;
- (ii) the salary of reference shall be reduced by the amount of any part of the annual pension which the teacher has allocated under regulation 53 or previous provisions or under any corresponding provisions applicable to teachers in comparable British service;
- (iii) the salary of reference so reduced by the amount (if any) specified in sub-paragraph (ii) shall be increased by the amount (if any) which would have been due to the teacher under the Pensions (Increase) Act 1971 if the salary of reference before being so reduced had been an annual pension coming into payment on the day following his last day of reckonable or comparable British service.

Avoidance of duplicate benefits

61.—(1) Subject to paragraph (3), if a period of reckonable service in respect of which retiring allowances are payable under these regulations is also reckoned for the purpose of any other pension payable to a teacher directly or indirectly out of moneys provided by Parliament or the rates levied by local authorities the Secretary of State shall, subject as hereafter in this regulation provided, reduce those retiring allowances by such a sum as will secure that the actuarial value in respect of that period shall be reduced by an amount equal to the actuarial value thereof of the other pension in respect of that period.

(2) For the purposes of this regulation any years of service added to reckonable service for the purpose of calculating a pension shall be deemed to be service, and any sum payable, whether as a continuing allowance or as a lump sum, by way of pension, superannuation allowance, compensation for loss or abolition of office or otherwise in respect of retirement, shall be deemed to be pension.

(3) A retiring allowance shall not be reduced under this regulation as to make it less than the actuarial value of the contributions paid by the teacher in respect of that period, and for this purpose the amount of those contributions shall be taken to include—

- (a) all contributions paid for current added years under Part III;
- (b) compound interest on those contributions calculated at the rate of 3 per cent per annum with yearly rests from 1st October in the financial year in which they are received to the date on which the annual pension begins to accrue.

(4) No reduction of annual pension shall be made which would result in the amount of that annual pension attributable to any period of reckonable service between 2nd April 1961 and 5th April 1975 (both dates inclusive) which was

non-participating employment within the meaning of the National Insurance Act 1965(a) being less than the amount of annual pension required to constitute equivalent pension benefits for the purposes of that Act.

(5) This regulation shall not apply in relation to a retirement pension granted to such an employee as is mentioned in regulation E14 of the Local Government Superannuation (Scotland) Regulations 1974 to 1975(b), under Part I of the Local Government Superannuation (Scotland) Act 1937(c) or under regulations under section 7 of the Superannuation Act 1972(d).

Suspension and resumption of incapacity pensions

62.—(1) If the Secretary of State is satisfied that a teacher under 60 in respect of whom an annual pension is payable by virtue of regulation 47 has ceased to be incapacitated payment of that annual pension may be suspended from such day as the Secretary of State thinks appropriate.

(2) Subject to paragraph (3), the payment of an annual pension suspended under paragraph (1) shall be resumed, if the Secretary of State is satisfied that the teacher has again become incapacitated, from the date on which application for the resumption of payment is received.

(3) Payment of an annual pension shall not be resumed—

(a) in the case of a teacher under 60, if he has been employed in reckonable service since the annual pension first became payable to him unless he has also been so employed within the period of 12 months immediately preceding the date of the application for the resumption of payment mentioned in paragraph (2);

(b) in the case of any teacher, if, since the annual pension was suspended, the Secretary of State has paid a transfer value in respect of him under interchange provisions;

(c) in the case of any teacher, if an annual pension has become payable to him in respect of further service by virtue of regulation 59(4).

(4) If, in a case where payment of an annual pension is resumed by reason of the Secretary of State being satisfied that the teacher has again become incapacitated, the Secretary of State is satisfied that the teacher was incapacitated during any part of the period during which the payment of the annual pension was suspended, the annual pension appropriate to that period shall be paid to the teacher.

(5) For the purposes of these regulations an annual pension whose payment has been resumed under paragraph (2) by reason of the teacher having attained the age of 60, and any further annual pension payable to that teacher, shall be deemed to be paid by virtue of regulation 46.

(6) Notwithstanding the preceding provisions of this regulation there shall in relation to any period of reckonable service between 2nd April 1961 and 5th April 1975 (both dates inclusive) which was non-participating employment within the meaning of the National Insurance Act 1965 be payable to a teacher to whom this regulation applies by way of annual pension an amount not less than that required to constitute equivalent pension benefits for the purposes of that Act.

(a) 1965 c. 51.
(c) 1937 c. 69.

(b) S.I. 1975/638 (1975 I, p. 2284).
(d) 1972 c. 11.

PART VII

FAMILY PENSIONS

Short-term pensions

63.—(1) On the death of a teacher in reckonable service or within 1 year of ceasing by reason of incapacity to be so employed a short-term pension shall be paid in accordance with table 1 or 2, as the case may be, of Schedule 7.

(2) A short-term pension shall be paid in accordance with table 3 of Schedule 7 on the death of every retired teacher who—

- (a) has been in reckonable service since 1st April 1972;
- (b) has 5 years' reckonable service counting for benefit; and
- (c) at the time of death is in receipt of a pension under any provision (except an allocation provision) of these regulations.

(3) In the case of a retired teacher who was a re-employed teacher at the time of his death a short-term pension shall be paid in accordance with either table 2 or table 3 of Schedule 7, whichever is more favourable.

Long-term pensions

64.—(1) A long-term pension shall be paid in accordance with table 1 and where applicable, table 2 of Schedule 8 on the death of any teacher who was employed in reckonable service on or after 1st April 1972 and whose service counting for benefit amounts to at least 5 years.

(2) A long-term pension shall commence on the termination of any short-term pension or on the day following the death of the teacher if no short-term pension is payable.

(3) Only one pension (whether short-term or long-term) shall be payable at any one time in respect of the children of any teacher; and where apart from this paragraph more than one such pension would be payable the greater of those pensions shall be paid.

(4) If the annual rate of the long-term pension payable to a widow or adult nominated beneficiary or child exceeds the annual rate of the short-term pension the long-term pension shall be in substitution for the short-term pension.

(5) Any pension payable under this Part shall cease to be paid, unless the Secretary of State otherwise directs, upon that person marrying or commencing to cohabit with a person to whom he or she is not married; but any such pension which has ceased to be payable by reason of marriage or cohabitation may, if the Secretary of State so decides, be paid upon the person again becoming a widow or widower or on the termination of the last marriage, or as the case may be, the cohabitation.

(6) Any pension payable to or for the benefit of a child shall cease, subject to regulation 3, when the child ceases to be a child within the meaning of these regulations.

Nomination of beneficiaries

65.—(1) A man teacher who is unmarried and any woman teacher may at any time when—

- (a) employed in reckonable service; and

- (b) there is not in force a nomination made by the teacher for the purposes of previous provisions relating to family pensions—

nominate to receive a pension under this Part a person who at the time of the nomination is wholly or mainly dependent on the teacher and is—

- (i) the teacher's parent; or
- (ii) the teacher's husband; or
- (iii) the teacher's widowed stepmother or stepfather; or
- (iv) an unmarried descendant of either of the teacher's parents; or
- (v) any unmarried descendant of the deceased wife of a teacher.

(2) The nomination of a beneficiary under this regulation shall become void—

- (a) on the receipt by the Secretary of State of a written notice of revocation by the teacher;
- (b) on the death or marriage of the nominated beneficiary;
- (c) if the teacher is a man, on his marriage;
- (d) if the beneficiary is a child, on his ceasing to be a child.

Special pension for widow

66. Unless she elects that this regulation shall not apply to her, there shall be paid to the widow of a teacher to whom regulation 38(5) applies who dies within 6 months of becoming employed in reckonable service without having made an election under Part IV a long-term pension of either—

- (a) 1/2 of the annual pension which would have been payable to the teacher if on the day of his death such an annual pension had been an incapacity pension; or
- (b) such lesser amount (but not less than 5/160ths of the teacher's pensionable salary) as she may elect within such time as is specified in a notice served on her by the Secretary of State specifying the deduction from the terminal sum in respect of that pension under regulation 38.

Special provision for widows of certain non-members

67.—(1) A long-term pension shall, if she elects by notice in writing to the Secretary of State within 3 months of the teacher's death, be paid to the widow of any non-member who dies without having been employed in reckonable service since 7th January 1974 if a death gratuity is payable in respect of him in terms of regulation 57(2).

(2) A long-term pension under this regulation shall be calculated by multiplying 1/160th of the teacher's pensionable salary by the number of years by reference to which the death gratuity falls to be calculated.

PART VIII

SPECIAL PROVISIONS RELATING TO WAR SERVICE

Application to teachers

68.—(1) “War service” means such service over the age of 18 as is mentioned in Section 1 of the Superannuation Act 1946(a) at any time between 1st September 1939 and 31st March 1949 (both dates inclusive), but does not include any service which was or is reckonable service or was or is comparable British service or in respect of which a naval pension, a service pension (within the meaning of the Recall of Army and Air Force Pensioners Act 1948(b)) or retired pay is payable.

(2) Paragraph (1) applies to any teacher who, after war service and without having first been employed in comparable British service, was first employed in reckonable service—

- (a) before 1st July 1950; or
- (b) after 30th June 1950 on the satisfactory completion of a period of probationary teaching service which under previous provisions the Secretary of State required the teacher to undertake; or
- (c) after 30th June 1950 on the completion of a course leading to certification as a teacher under the Regulations for the Preliminary Education, Training and Certification of Teachers for Various Grades of Schools (Scotland) 1931(c), being—
 - (i) a course provided under the Supply of Teachers (Emergency Arrangements) (Scotland) Regulations 1947(d); or the scheme for the emergency recruitment and training of teachers established by the Ministry of Education; or any scheme to like effect established by the Ministry of Education, Northern Ireland; or
 - (ii) a course in respect of which grants were paid to him under the Further Education and Training Scheme for the purposes of training him for a teaching career; or
 - (iii) a course which he began before 1st July 1950; or
 - (iv) if he began the final year of the course before 1st November 1950, any such course as is mentioned in regulation 30(1) (4 year first degree and teacher training courses) of the Training of Teachers Grant Regulations 1948(e).

(3) This Part does not apply to a teacher if the first period of his reckonable service referred to in paragraph (2) is not treated as reckonable service for the purpose of calculating any benefit.

Contributions in respect of war service

69.—(1) For the purpose of defraying so much of the cost of any benefits as is attributable to war service there shall be deducted from the lump sum or gratuity payable in respect of the teacher an amount equal to the aggregate of—

- (a) $3\frac{3}{4}$ per cent of the aggregate remuneration in respect of war service which would have been received by a teacher in receipt of a salary at an annual rate of £200 (if the teacher is a man) or £175 (if the teacher is a woman) during that period; and

(a) 1946 c. 60.

(b) 12, 13 & 14 Geo. 6 c. 8.

(c) S.R. & O. 1931/180 (Rev. VI, p. 758: 1931 p. 363).

(d) S.I. 1947/127 (1947 I, p. 631).

(e) S.I. 1948/1704 (Rev. VI, p. 570: 1948 I, p. 736).

(b) compound interest on that sum at the rate of $3\frac{1}{2}$ per cent per annum with yearly rests from 1st July 1950 until either—

- (i) the date of payment of the lump sum or gratuity from which the deduction falls to be made; or
- (ii) where a transfer value is payable by virtue of regulation 72, the date on which the teacher becomes subject to the approved superannuation scheme.

(2) Unless he makes an election under regulation 70, paragraph (1) shall not apply to any war service of a teacher if, apart from this paragraph, the pension payable to or in respect of him would not be more, or the death gratuity would be less, than would have been the case if paragraph (1) had not applied to that service.

Contributions for family pensions in respect of war service

70.—(1) A teacher in whose case the whole of his reckonable service would in the event of his death count for benefit for the purposes of Schedule 9, shall if he so elects pay additional contributions in respect of his war service.

(2) Where a teacher makes an election for the purposes of this regulation the lump sum or gratuity payable in respect of him shall be reduced by the amount determined as the actuarial cost of the increase in the amount of any pension which is payable by virtue of this regulation.

(3) An election for the purposes of this regulation shall be made in writing and delivered to the Secretary of State so as to be received by him before the payment of the lump sum or gratuity from which the reduction falls to be made.

(4) If the teacher dies without having made an election, the election may be made by his widow and paragraphs (2) and (3) shall apply with the necessary modifications accordingly.

PART IX

INTERCHANGES

Superannuation schemes

71.—(1) For the purposes of this Part “superannuation scheme” means—

- (a) a scheme established under—
 - (i) section 1 of the Superannuation Act 1972(a) or the Superannuation (Northern Ireland) Order 1972(b) or other arrangements for superannuation maintained in pursuance of regulations made, or having effect as if made, under that Act or Order; or
 - (ii) section 1 of the Police Pensions Act 1976(c) or section 25 of the Police Act (Northern Ireland) 1970(d); or
 - (iii) a Fireman’s Pension Scheme made under section 26 of the Fire Services Act 1947(e) or a scheme made under section 17 of the Fire Service Act (Northern Ireland) 1969(f); or

(a) 1972 c. 11.

(c) 1976 c. 35.

(e) 1947 c. 41.

(b) S.I. 1972/1073 (N.I. 10).

(d) 1970 c. 9 (N.I.).

(f) 1969 c. 13 (N.I.).

(iv) a scheme made under the Parliamentary and Other Pensions Act 1972(a) or the scheme established by Part II of the Ministerial Salaries and Members Pensions Act (Northern Ireland) 1965(b) or arrangements for superannuation maintained in pursuance of an order in Council under section 9 or 26 of the Northern Ireland Constitution Act 1973(c) (“a statutory scheme”); or

(b) the trusts of a fund approved by the Board of Inland Revenue under section 208 of the Income and Corporation Taxes Act 1970(d) or a scheme (other than a statutory scheme) approved by the Board of Inland Revenue under section 222 of that Act or under Chapter II of Part II of the Finance Act 1970(e) or approved by the Board for the purposes of this Part in the case of any teacher (“a non-statutory scheme”); and reference to a non-statutory scheme in regulation 72 is a reference to a scheme approved by the Board of Inland Revenue on the day when the teacher first becomes subject to the scheme.

(2) In their application to a statutory scheme references to the person responsible for the management of the scheme are to be construed as references to the Minister of the Crown, local authority or police or fire authority administering the scheme.

Payment of transfer values

72.—(1) On an application being made in writing by the person responsible for the management of a superannuation scheme approved by the Board of Inland Revenue the Secretary of State may pay to that person a transfer value (calculated in accordance with Part I of Schedule 10) in respect of a former teacher who, after being employed in reckonable service, becomes subject to that scheme and any such application shall be made within 6 months from the day when the former teacher became subject to the scheme.

(2) When the payment of any such transfer value is made the reckonable service of the teacher to whom it relates shall cease to be treated as such for all purposes of these regulations.

Receipt of transfer values

73.—(1) The Secretary of State may receive a transfer value from the person responsible for the management of a superannuation scheme in respect of a teacher who, after being subject to that scheme, elects within 6 months of his becoming employed in reckonable service that such a transfer value shall be paid in respect of him.

(2) A teacher in respect of whom a transfer value is received by virtue of paragraph (1) shall be credited with reckonable service in accordance with Part 2 of Schedule 10.

Modifications relating to teachers in comparable British service

74. In their application to teachers in comparable British service—

(a) regulation 72 shall have effect with the insertion of “or has at any time become” after “becomes”; and

(a) 1972 c. 48.
(c) 1973 c. 36.
(e) 1970 c. 24.

(b) 1965 c. 18 (N.I.)
(d) 1970 c. 10.

- (b) regulation 73 shall have effect with the substitution of the words “or has at any time elected” for the words “within 6 months of his becoming employed in reckonable service”.

Exceptions

75.—(1) No transfer value shall be paid under regulation 72 in respect of a teacher who, when the application relating to him was received by the Secretary of State, was in receipt of an annual pension by virtue of regulation 46.

(2) No transfer value shall be received under these regulations in respect of a re-employed teacher to whom regulation 60(1)(a) or (b) applies or a person who is in receipt of an annual pension under a provision in a statutory scheme corresponding to regulation 46.

PART X

FINANCIAL PROVISIONS

Teachers' superannuation account

76. An account of the receipts and payments under these regulations in continuation of the account kept under regulation 6 of the Teachers Superannuation (Financial Provisions) (Scotland) Regulations 1972(a) shall be kept by the Secretary of State for every financial year (“the accounting period”) commencing with the accounting period which ended on 31st March 1972 in the form specified in Part 1 of Schedule 11.

Receipts

77. There shall be treated as receipts into the account for each accounting period—

- (a) the contributions paid by teachers and employers under regulations 11(2)(a) and (b) and received by the Secretary of State during the period;
- (b) a sum equal to the amount determined in accordance with Part III of Schedule 11 as payments during the period upon retiring allowances and gratuities attributable to service before 1st June 1922;
- (c) any transfer value received during the period by the Secretary of State under regulation 73(1) from the Minister for the Civil Service, the Secretary of State for Social Services or the Secretary of State for Education and Science;
- (d) a sum representing interest calculated in accordance with regulation 79;
- (e) the amount of any balance of receipts over payments remaining at the end of the last preceding accounting period; and
- (f) any other receipts in the period including payments of interest under regulation 15.

(a) S.I. 1972/551 (1972 I, p. 1855).

Payments

78. There shall be treated as payments from the account for each accounting period—

- (a) any payments during the period of benefits:
- (b) any transfer value paid during the period by the Secretary of State under regulation 72(1) to the Minister for the Civil Service, the Secretary of State for Social Services or the Secretary of State for Education and Science; and
- (c) any other payments during the period by the Secretary of State under these regulations.

Interest

79.—(1) The sum representing interest which is to be treated as a receipt to the account under regulation 77(d) shall be calculated in accordance with this regulation.

(2) The interest on the balance of receipts (excluding interest calculated in accordance with this regulation) over payments in an accounting period shall for that period be one half, and for the next succeeding and subsequent accounting periods the whole, of the interest that would have accrued on the investment of a sum equal to that balance if it had been invested at the beginning of that accounting period in a security selected by the Secretary of State, after consultation with the Government Actuary, at the price determined in accordance with paragraph (4) increased for any period by any sum added for that period by virtue of regulation 80(1)(a).

(3) For the period up to and including the accounting period beginning on 1st April 1970 the accumulated balance of revenue over expenditure shall be deemed to have been invested in the manner set out in Part II of Schedule 11.

(4) The price of a security shall be the price halfway between the highest and lowest prices shown in the Official Daily List of the London Stock Exchange for 1st October in the period in question or, if that Exchange is or was closed on that day, the last day before that day on which it is or was open.

Accounting on redemption of securities

80.—(1) On the date of redemption of a security in which an investment is deemed to have been made for the purposes of regulation 79—

- (a) the sum representing interest which, in accordance with that regulation, is treated as having been received into the account in respect of that investment shall be increased by the amount by which the notional proceeds of its redemption exceeds the sum deemed to have been invested in it or, as the case may be, reduced by the amount by which those proceeds fall short of that sum; and
- (b) a sum equivalent to the sum deemed to have been invested in the security shall be deemed to be re-invested on that date in a security selected by the Secretary of State after consultation with the Government Actuary.

(2) The notional proceeds of redemption referred to in paragraph (1) shall be the amount which would be received in respect of an investment on the redemption of the security in which it is deemed to have been made, reduced by any capital gains tax deemed to be payable in accordance with regulation 81.

(3) For the purposes of this regulation the date of redemption of a security is the last date on which it may be redeemed in accordance with the terms on which it was issued.

Notional deductions for tax

81.—(1) In relation to any investment deemed to have been made for the purposes of this Part—

- (a) income tax in respect of interest; and
- (b) capital gains tax in respect of any capital gains accruing on the redemption of the security in which it was made,

shall be deemed to be payable to the same extent as they would be payable if the investment were held for the purposes of a retirement benefits scheme approved under Chapter II of Part II of the Finance Act 1970 and providing benefits comparable to those provided under these regulations.

(2) The rates of income tax and capital gains tax, deemed to be payable in any year under paragraph (1) shall be the rates of those taxes charged for that year.

(3) Any question arising under this regulation as to the extent to which income tax and capital gains tax shall be deemed to be payable under paragraph (1) shall be determined by the Secretary of State and his decision shall be final.

Actuarial inquiries

82.—(1) The Government Actuary shall make an actuarial inquiry with respect to the teachers' superannuation account at the end of the accounting period which ended on 31st March 1976 and at the end of every 5th subsequent accounting period.

(2) An inquiry made in pursuance of paragraph (1) shall determine whether the value at the end of the accounting period ("the terminal date") of the payments attributable to service after 1st June 1922 included in the account after the terminal date in respect of teachers who were then employed or had previously been employed in reckonable service exceeds or falls short of the aggregate of—

- (a) the value at the terminal date of—
 - (i) all contributions payable in respect of such teachers after that date (except supplementary contributions payable after the accounting period in which the report required by paragraph (5) is made); and
 - (ii) the sums falling to be credited to the account after that date in accordance with sub-paragraphs (d) and (f) of regulation 77; and
- (b) the actuarial value of the notional investments by reference to which the sum representing interest is calculated in accordance with regulation 79.

(3) Where an actuarial inquiry reveals a deficiency the report of the inquiry shall specify the rate per cent. (being a rate of a multiple of one quarter of 1 per cent) at which supplementary contributions paid by employers of teachers employed in reckonable service would remove the deficiency by the expiry of a period of 40 years beginning with the accounting period next after that in which the report is made.

(4) An inquiry under this regulation shall determine the rate per cent of the salaries of teachers who became employed in reckonable service on the first day of the period following the period for which the inquiry is made at which contributions paid to the Secretary of State would in the opinion of the Government Actuary defray the costs of the benefits likely to be payable in respect of their service.

(5) The report on each actuarial inquiry under this regulation shall be made to the Secretary of State and shall be laid by him before each House of Parliament.

PART XI

SUPPLEMENTARY PROVISIONS

Records and information

83.—(1) Employers of persons to whom by reason of their employment these regulations apply shall record for each such person for each financial year—

- (a) the rate of salary;
- (b) the amount of salary paid, distinguishing payments which are subject to contributions from other payments;
- (c) the value of any emoluments in kind treated as forming part of the salary of the teacher by virtue of regulation 7;
- (d) the contributions deducted;
- (e) the period of employment in reckonable service;
- (f) the dates of absence on sick leave and special leave, with reasons for the latter leave, and the proportion of salary during such absence—

and shall make to the Secretary of State such reports and returns, and give him such information relating to such persons, as he may require for the purposes of his functions under these regulations.

(2) Every person to whom by reason of his employment these regulations apply or, as the case may be, the personal representatives of every person to whom by that reason they applied, shall give such information and produce such documents to the Secretary of State as he may require for the purposes of his functions under these regulations.

Payment of benefits

84.—(1) Every pension, annuity or other sum payable under these regulations which does not consist of a single payment—

- (a) shall normally be payable monthly; but
- (b) may, on the application of the person entitled thereto, be paid by quarterly instalments; or
- (c) may be paid in such instalments and at such intervals as the Secretary of State may think appropriate.

(2) Where payment of any such sum is due in respect of a period which is less than the interval at which it is payable—

- (a) the amount payable in respect of each complete month of the period shall be 1/12th of the annual rate of the sum; and

- (b) the amount payable in respect of a period of less than 1 complete month shall bear the same proportion to 1/12th of the annual rate of the sum as the number of days in respect of which it is payable bears to the total number of days in the month in which those days fall.

(3) If a person in respect of whom a benefit is payable is a minor, or is in the opinion of the Secretary of State incapable by reason of infirmity of mind or body of managing his affairs, the Secretary of State may pay the benefit to any person having the care of that person or apply it in such manner as he thinks appropriate for the benefit of that person or his dependants.

Payments in respect of deceased persons

85. On the death of a person to whom or to whose estate any sum not exceeding £1,500 is due under these regulations the Secretary of State may, without confirmation or other proof of the title of the personal representatives of that person, pay that sum to the personal representatives or to the person, or to or among any 1 or more of any persons, appearing to him to be beneficially entitled to the personal estate of the deceased.

Benefits not assignable

86.—(1) Every assignation of or charge on, and every agreement to assign or charge, any benefit payable under these regulations, shall be void and no such benefit shall be liable to arrestment.

(2) On the bankruptcy of a person entitled to any such benefit, no part of the benefit shall pass to any trustee or other person acting on behalf of his creditors.

(3) Nothing in these regulations shall affect the powers of the court under section 148 of the Bankruptcy (Scotland) Act 1913(a) (under which the court may order the payment of the whole or part of these benefits to the trustees in bankruptcy).

(4) In this regulation—

- (a) “benefit” includes any right to a return of contributions under Part V;
 (b) “assignation” does not include allocation under regulation 53 or any disposition made in pursuance of an agreement with the Secretary of State relating to the recovery of overpayment of benefit.

Forfeiture of benefits

87. The Secretary of State may withhold, or pay at such reduced rate as he may determine, the payment of any retiring allowance or gratuity payable apart from this regulation to or in respect of a teacher who is convicted of any offence committed before or after the benefit becomes payable which is—

- (a) an offence of treason; or
 (b) one or more offences under the Official Secret Acts 1911 to 1939(b) for which he has been sentenced on the same occasion to a term of imprisonment of, or for 2 or more consecutive terms amounting in the aggregate to, at least 10 years; or
 (c) any other offence in connection with his employment as a teacher which is certified by the Secretary of State either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service.

(a) 1913 c. 20.

(b) 1911 c. 28; 1920 c. 75; 1939 c. 121.

Extension of time

88. Subject to regulation 27(6), the Secretary of State may in any particular case extend the time within which anything is required or authorised to be done under these regulations.

Power to determine questions

89. Subject to section 11(2) of the Superannuation Act 1972(a) any question which arises under these regulations as to the rights and liabilities of or in respect of any person shall be decided by the Secretary of State, whose decision shall be final.

Consequential amendment of enactments

90.—(1) The references in regulation E14 of the Local Government Superannuation (Scotland) Regulations 1974 to 1975(b) to the Teachers Superannuation (Scotland) Regulations 1969 to 1976(c) and to regulation 51 of the Teachers Superannuation (Scotland) Regulations 1969(d) shall include references to these regulations and regulation 61 respectively.

(2) Section 8(2)(a) (date of accrual of earnings related pension) of the Pensions (Increase) Act 1971(e) shall not apply in respect of any person payable under these regulations based on the pensionable salary of the teacher.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.

28th July 1977.

Consent of the Minister for the Civil Service given under his Official Seal
on 1st August 1977.

(L.S.)

W. G. Bristow,
Authorised by the Minister for
the Civil Service.

(a) 1972 c. 11.
(c) S.I. 1976/910 (1976 II, p. 2346).
(e) 1971 c. 56.

(b) S.I. 1975/638 (1975 I, p. 2284).
(d) S.I. 1969/77 (1969 I, p. 133).

Regulations 4 and 5

SCHEDULE 1

SPECIFIED EMPLOYMENTS WHICH ARE RECKONABLE SERVICE

1. Employment as a teacher in a public or grant-aided school, or in a college of education, central institution, or other establishment which is maintained or grant-aided out of moneys either provided by Parliament or raised by the rates levied by local authorities, except a teacher in employment on or after 1st April 1975 with the East of Scotland College of Agriculture, the North of Scotland College of Agriculture or the West of Scotland Agricultural College who is subject to the Department of Agriculture and Fisheries for Scotland Superannuation Scheme 1975 as a consequence of that employment.
2. Employment as a teacher in a school which is an accepted school within the meaning of Schedule 2 and whose employment therein is reckonable service by virtue of that Schedule.
3. 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.
4. Employment as a teacher of a kind other than in this Schedule before specified if—
 - (a) he is employed by an education authority otherwise than in a public school; or
 - (b) his employer receives grant either from the Secretary of State or a local authority for the purposes of employing him and he elects by notice in writing to the Secretary of State within 3 months of the commencement of his employment, with the agreement of his employer, that his service shall be reckonable service and the Secretary of State agrees; or
 - (c) his employment is approved by the Secretary of State for the purposes of this Schedule and he elects by notice in writing to the Secretary of State within 3 months of the commencement of his employment, with the agreement of his employer, that his service shall be reckonable service and the Secretary of State so agrees.
5. Continuation in employment after 1st August 1977 as a supervisor or organiser or in another capacity which was treated as reckonable service under previous provisions.

Schedule 1, paragraph 2

SCHEDULE 2

ACCEPTED SCHOOLS

1. For the purposes of this Schedule—
 - (a) “accepted school” means an independent school which—
 - (i) immediately before 1st August 1977 was accepted under previous provisions; or
 - (ii) being registered, is accepted by the Secretary of State under the provisions of this Schedule upon the application of the governing body or proprietor;
 - (b) “registered” means registered in the register of independent schools in accordance with Part V of the Education (Scotland) Act 1962(a);
 - (c) “proprietor” has the meaning assigned to it by section 145 of the Education (Scotland) Act 1962 and includes a person who, by reason of holding any office or having any interest in a company by which the school is conducted, is substantially in the position of a proprietor.

(a) 1962 c. 47.

2. Notwithstanding the provisions of paragraph 1 the Secretary of State shall have power in such case as he thinks appropriate to accept under the provisions of this Schedule 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 paragraph 1(a)(ii) shall, unless an alternative date is agreed by the Secretary of State and the governing body or proprietor thereof, be the 1st September preceding acceptance of the application.

4. An accepted school shall cease to be an accepted school on such a day as is specified in a notice in writing sent by the Secretary of State to the governing body or proprietor of the school on or after any of the following events—

- (a) the receipt by the Secretary of State of an application by the governing body or proprietor that the school shall cease to be an accepted school;
- (b) the school ceasing to be on the register of independent schools in Scotland;
- (c) any default by the governing body or proprietor in the payment of contributions;
- (d) failure by the governing body or proprietor to comply within 1 month with any requirement of the Secretary of State to make any report or return, give any information or produce any document, under regulation 83;
- (e) failure by the governing body or proprietor to comply with any other provision of the regulations relating to the employment of teachers in reckonable service;
- (f) the closure of the school.

5. Subject as hereafter in this Schedule provided, service as a teacher in an accepted school shall be reckonable service.

6. The service of a teacher in an accepted school shall not be reckonable service if—

- (a) the teacher is a proprietor thereof; or
- (b) paragraph (1)(a)(i) applies to the school and the teacher's employment therein immediately before 1st August 1977 was not reckonable service; or
- (c) being employed in the school immediately before the date on which the Secretary of State notifies the governing body or proprietor thereof that he has accepted it, the teacher so elects within 3 months of that date by notice in writing to the Secretary of State.

7. A teacher, not being a person to whom paragraph 6(a) applies, employed in an accepted school whose service therein is not reckonable service may elect by notice in writing to the Secretary of State that his service therein shall be reckonable service and, on his so electing, it shall be such service from a date determined by the Secretary of State.

Regulations 23 and 38

SCHEDULE 3

ADDED YEARS

METHOD 1 ELECTIONS

1. The rate at which Method 1 contributions shall be payable shall be expressed as a percentage, being a whole number not exceeding 9, of the rate of the salary in respect of which the contributions fall to be paid.

2. The rate shall be such that the actuarial cost of purchasing added years will not be met within less than 5 years or (in the case of a teacher who is aged 55 or over when he begins to pay contributions) before the teacher attains the age of 60.

3. In the case of a teacher who is paying additional contributions under Parts III or IV otherwise than under regulation 23 the maximum rate of contributions under these regulations shall be determined by deducting from 9 per cent the percentage rate of those additional contributions.

4. An election under these regulations may be varied by a subsequent election to pay contributions at a higher rate in accordance with the provisions of this Schedule, taking effect,

- (a) in the case of contributions payable by virtue of regulation 23(4), on the teacher again becoming employed in reckonable service; and
- (b) in any other case, from 1st April in the year following the year in which the varying election is received by the Secretary of State.

Regulation 23(1)

METHOD 1 CONTRIBUTIONS AND DEDUCTIONS

TABLE 1
CONTRIBUTIONS

A Age on the date from which the teacher's election is effective (regulation 22(4))	B Period in years for which contributions are required to be paid in respect of each added year (regulation 21)								
	Rate of contributions elected (regulation 22)								
	1%	2%	3%	4%	5%	6%	7%	8%	9%
31 and under	16-00	8-00	5-33	4-00	3-20	2-67	2-29	2-00	1-78
32	16-10	8-05	5-37	4-02	3-22	2-68	2-30	2-01	1-79
33	16-20	8-10	5-40	4-05	3-24	2-70	2-31	2-02	1-80
34	16-30	8-15	5-43	4-07	3-26	2-72	2-33	2-04	1-81
35	16-40	8-20	5-47	4-10	3-28	2-73	2-34	2-05	1-82
36	16-50	8-25	5-50	4-12	3-30	2-75	2-36	2-06	1-83
37	16-60	8-30	5-53	4-15	3-32	2-77	2-37	2-07	1-84
38	16-70	8-35	5-57	4-17	3-34	2-78	2-39	2-09	1-86
39	16-80	8-40	5-60	4-20	3-36	2-80	2-40	2-10	1-87
40	16-90	8-45	5-63	4-22	3-38	2-82	2-41	2-11	1-88
41	17-00	8-50	5-67	4-25	3-40	2-83	2-43	2-12	1-89
42	17-15	8-58	5-72	4-29	3-43	2-86	2-45	2-14	1-91
43	17-30	8-65	5-77	4-32	3-46	2-88	2-47	2-16	1-92
44	17-45	8-72	5-82	4-36	3-49	2-91	2-49	2-18	1-94
45	17-60	8-80	5-87	4-40	3-52	2-93	2-51	2-20	1-96
46	17-75	8-87	5-92	4-44	3-55	2-96	2-54	2-22	1-97
47	17-95	8-97	5-98	4-49	3-59	2-99	2-56	2-24	1-99
48	18-15	9-07	6-05	4-54	3-63	3-02	2-59	2-27	2-02
49	18-35	9-17	6-12	4-59	3-67	3-06	2-62	2-29	2-04
50	18-55	9-27	6-18	4-64	3-71	3-09	2-65	2-32	2-06
51	18-80	9-40	6-27	4-70	3-76	3-13	2-69	2-35	2-09
52	19-05	9-52	6-35	4-76	3-81	3-17	2-72	2-38	2-12
53	19-30	9-65	6-43	4-82	3-86	3-22	2-76	2-41	2-14
54	19-55	9-77	6-52	4-89	3-91	3-26	2-79	2-44	2-17
55	19-80	9-90	6-60	4-95	3-96	3-30	2-83	2-47	2-20
56	20-05	10-02	6-68	5-01	4-01	3-34	2-86	2-51	2-23
57	20-25	10-12	6-75	5-06	4-05	3-37	2-89	2-53	2-25
58	20-40	10-20	6-80	5-10	4-08	3-40	2-91	2-55	2-27
59	20-50	10-25	6-83	5-12	4-10	3-42	2-93	2-56	2-28
60	20-55	10-27	6-85	5-14	4-11	3-42	2-94	2-57	2-28
61	20-50	10-25	6-83	5-12	4-10	3-42	2-93	2-56	2-28
62	20-45	10-22	6-82	5-11	4-09	3-41	2-92	2-56	2-27
63	20-35	10-18	6-78	5-09	4-07	3-39	2-91	2-54	2-26
64	20-25	10-12	6-75	5-06	4-05	3-37	2-89	2-53	2-25
65	20-10	10-05	6-70	5-02	4-02	3-35	2-87	2-51	2-23
66	19-90	9-95	6-63	4-97	3-98	3-32	2-84	2-49	2-21
67	19-65	9-82	6-55	4-91	3-93	3-27	2-81	2-46	2-18
68	19-35	9-67	6-45	4-84	3-87	3-22	2-76	2-42	2-15
69	19-00	9-50	6-33	4-75	3-80	3-17	2-71	2-38	2-11

NOTE: The necessary interpolations are to be made where the period elected under regulation 21 is not an exact number of years.

Regulations 23(4) and 38(2)

TABLE 2

DEDUCTIONS

As regards any teacher the deduction to be made is the annual amount of his contributions at the last rate payable multiplied by the factor shown in column B against the entry in column A which specifies the number of further years during which contributions would have been payable, reduced where necessary in accordance with the provisions of regulation 19(2).

A	B
Number of further years during which contributions would have been payable	Factor
1	.990
2	1.961
3	2.913
4	3.846
5	4.760
6	5.657
7	6.536
8	7.398
9	8.244
10	9.072
11	9.884
12	10.681
13	11.461
14	12.227
15	12.977
16	13.713
17	14.434
18	15.141
19	15.835
20	16.514

NOTE: The necessary interpolations are to be made where the further period for which contributions would have been payable is not an exact number of years.

Regulation 24

TABLE 3

METHOD 2 CONTRIBUTIONS

The factor for the purposes of regulation 24 is the percentage of the full salary of the teacher at the rate payable to him on the date on which the Secretary of State receives his election which appears in the table below against the entry relating to his age on that date.

<i>Age</i>	<i>Percentage</i>
under 23	11·15
23	11·25
24	11·35
25	11·45
26	11·50
27	11·55
28	11·65
29	11·75
30	11·85
31	11·95
32	12·05
33	12·15
34	12·25
35	12·35
36	12·45
37	12·55
38	12·65
39	12·75
40	12·85
41	12·95
42	13·05
43	13·15
44	13·25
45	13·40
46	13·55
47	13·70
48	13·85
49	14·00
50	14·15
51	14·30
52	14·45
53	14·65
54	14·90
55	15·15
56	15·45
57	15·80
58	16·20
59	16·70
60	17·30
61	17·40
62	17·50
63	17·55
64 and over	17·60

NOTES:

1. If the teacher has, within 1 year (or, in the case of a teacher who has attained the age of 57, 3 years) immediately preceding the receipt by the Secretary of State of an election to pay contributions, suffered a reduction in salary or taken up a new post in reckonable service at a lower rate of salary than the rate of his previous post in that service, his salary for the purposes of regulation 24 shall be the amount of the salary which, in the opinion of the Secretary of State, would have been payable to him if he had continued to be employed on terms and conditions comparable to those on which he was employed immediately before his salary was reduced or, as the case may be, his post was changed.

2. In the case of any teacher whose election is received during the period by reference to which his pensionable salary falls to be determined, the factor for the purposes of regulation 24 is the percentage of such a salary not exceeding his pensionable salary as the Secretary of State may, after consulting the Government Actuary, determine.

Regulation 30

SCHEDULE 4

TABLE 1

DEEMED ADDITIONAL SERVICE

The deemed additional service of any teacher shall be determined in accordance with the formula $\frac{ab}{c}$ where—

- a is the factor shown in the appropriate entry of column B of the table below;
 b is the amount (in pounds) of his additional contributions held in the Teachers' Family Benefits Fund at 31st March 1972; and
 c is the amount (in pounds) of his annual salary at that date.

A	B	A	B
Age of teacher at last birthday before 1st April 1972	Factor	Age of teacher at last birthday before 1st April 1972	Factor
18	21.4	40	50.3
19	23.9	41	50.2
20	26.2	42	50.0
21	28.4	43	49.8
22	30.6	44	49.6
23	32.6		
24	34.5	45	49.4
		46	49.3
25	36.3	47	49.2
26	38.0	48	49.1
27	39.6	49	49.0
28	41.1		
29	42.6	50	49.0
		51	49.0
30	43.9	52	49.0
31	45.2	53	48.9
32	46.4	54	48.9
33	47.4		
34	48.4	55	48.8
		56	48.8
35	49.2	57	48.7
36	49.8	58	48.7
37	50.0	59	48.6
38	50.2		
39	50.3	60 and over	48.6

TABLE 2

DETERMINATION OF CONTRIBUTIONS FOR PRE-APRIL 1972 FAMILY PENSIONS

A	B									
Age on the date 6 months before the date from which additional contributions begin to be paid	Period in years for which contributions are required to be paid in respect of each year of service (regulations 34(1)(a) and 36(1))									
	Rate of contributions elected (regulation 34(1)(b))									
	1%	2%	3%	4%	5%	6%	7%	8%	9%	
32 and under ...	3·15	1·58	1·05	·79	·63	·525	·45	·395	·35	
33-37 ...	3·20	1·60	1·07	·80	·64	·535	·46	·40	·355	
38-42 ...	3·30	1·65	1·10	·82	·66	·55	·47	·41	·365	
43-47 ...	3·35	1·68	1·12	·84	·67	·56	·48	·42	·37	
48 and over ...	3·40	1·70	1·13	·85	·68	·565	·485	·425	·375	

NOTES:

1. A teacher who before the day specified in relation to him under regulation 36(3)(a) paid in accordance with previous provisions additional contributions so payable after 31st March 1972 shall be taken to have paid contributions in accordance with regulation 34 at the rate specified by him in accordance with regulation 34(1)(b) for the number of years equal to the fraction of which the denominator is that rate and the numerator is the amount of those contributions expressed as a percentage of his annual salary on the day specified; and, as regards any such teacher, that number shall accordingly be deducted from the period determined in accordance with table 2 above.

2. The necessary interpolations are to be made where the period elected under regulation 34(1)(a) is not an exact number of years.

SCHEDULE 5

EMPLOYMENTS COUNTING TOWARDS ENTITLEMENT TO RETIRING ALLOWANCES

1. Employment in the British Isles in a university, university college or college of a university or as a full-time teacher—

(a) in respect of which contributions were payable under the Federated System of Superannuation for Universities before 1st April 1975; or

(b) whose accrued rights under that system in respect of his previous such employment were transferred to the Universities Superannuation Scheme established on 1st April 1975.

2. Employment as an inspector appointed under section 77(2) of the Education Act 1944(a) of a person whose previous teaching service had before 23rd April 1973 been approved by the Secretary of State for Education and Science for the purpose of paragraph 9 of Schedule 2 to the Teachers' Superannuation Regulations 1967(b).

3. Employment of any person as a civil servant before 23rd April 1973 in a post in which teaching experience was certified by the Secretary of State to have been of value at the date of appointment thereto, having been preceded by employment for not less than 3 years in service as a teacher in a capacity approved by the Secretary of State.

4. Pensionable employment as an educational officer or in some other educational capacity in the service of the British Broadcasting Corporation.

5. Membership of the House of Commons which is reckonable service within the meaning of the Parliamentary and Other Pensions Act 1972(c).

6. Employment as a civil servant in Scotland, England or Wales which is not covered by paragraph 3.

7. Pensionable employment as a civil servant in Northern Ireland, the Isle of Man or the Channel Islands.

8. Employment which is contributory service for the purpose of the Overseas Service Pensions (Scheme and Fund) Regulations 1966(d).

9. Employment in a country specified in section 1(3) of the British Nationality Act 1948(e) or any colony within the meaning of that Act which is or was pensionable under any law for the time being in force in that country or which is employment by the Government or a public authority of that country in respect of which contributions are or were payable to a provident fund, being employment—

(a) as a full-time teacher;

(b) involving to a substantial extent the control or supervision of teachers; or

(c) as a civil servant.

10. Pensionable employment in a university, university college or college of a university in any country specified in section 1(3) of the British Nationality Act 1948 or in any colony within the meaning of that Act.

11. Employment in the Republic of South Africa or in the mandated territory of South West Africa of a kind specified in paragraph 9 or 10 of a person who at any time during the 3 months immediately preceding 31st May 1962 was employed in that Republic or in that territory in service which was 2nd class service for the purpose of regulation 6 of the Teachers (Superannuation) (Scotland) Regulations 1957(f).

12. Employment as a full-time teacher of a person holding a commission in the naval, military or air forces of the Crown or of any of the women's services mentioned in Schedule 4 to the Superannuation Act 1965(g), being employment in respect of which retired pay is being earned.

13. Employment in respect of which contributions are payable to the Social Workers' Pension Fund.

14. Employment, other than employment to which paragraph 1 applies, in respect of which contributions are payable under the Federated System of Superannuation for Universities.

(a) 1944 c. 31.

(c) 1972 c. 48.

(e) 1948 c. 56.

(g) 1965 c. 74.

(b) S.I. 1967/489 (1967 I, p. 1562).

(d) S.I. 1966/1629 (1966 III, p. 5076).

(f) S.I. 1957/356 (1957 I, p. 733).

15. Employment in the service of the British Council in respect of which contributions are payable under the British Council Overseas Service Pensions Scheme.
16. Employment as an officer of an employing authority within the meaning of the National Health Service (Superannuation) (Scotland) Regulations 1961 to 1975(a) or the National Health Service (Superannuation) Regulations 1961 to 1975(b).
17. Employment in respect of which contributions are payable under the Federated Superannuation Scheme for Nurses and Hospital Officers—
- (a) to which either the National Health Service (Superannuation) (Scotland) Regulations 1961 to 1975 or the National Health Service (Superannuation) Regulations 1961 to 1975 apply;
 - (b) by an employing authority or a local Act authority within the meaning of the Local Government Superannuation (Scotland) Act 1937(c) or the Local Government Superannuation Act 1937(d);
 - (c) to which are applicable any regulations or scheme made under section 2 or section 5A of the Local Government (Superannuation) Act (Northern Ireland) 1950(e), as amended by the Local Government (Superannuation) (Amendment) Act (Northern Ireland) 1951(f), or under section 61 of the Health Services Act (Northern Ireland) 1948(g); or
 - (d) in a civil service in the British Isles.
18. Employment after reckonable service in employment to which interchange provisions for the time being apply.
19. Service before 1st May 1975 which was reckonable for the purposes of Part VIII of the Teachers' Superannuation Regulations 1967(h).
20. Pensionable employment by a body representing teachers.
21. Pensionable service as a regular minister of any religious denomination or as a clerk in holy orders.

Regulation 53

SCHEDULE 6

ALLOCATION DECLARATIONS

1. A declaration for the purposes of regulation 53 shall allocate an amount, expressed as a whole number of pounds, not exceeding any of—
- (a) 1/3rd of the gross amount of the annual pension;
 - (b) the amount which would render the balance of the gross annual pension less than the amount of the pension payable to the beneficiary under regulation 53(1); and
 - (c) the amount which would result in the amount of the annual pension attributable to any period of reckonable service between 2nd April 1961 and 5th April 1975 (both dates inclusive) which was non-participating employment within the meaning of the National Insurance Act 1965(i) being less than the amount required to constitute so much of the annual pension as is payable in respect of that period equivalent pension benefits for the purposes of that Act.

The references in this paragraph to the gross amount of an annual pension are references to the amount of an annual pension before any deductions are made from it under Schedule 12.

(a) S.I. 1975/1376 (1975 II, p. 4693).

(c) 1937 c. 69.

(e) 1950 c. 10 (N.I.).

(g) 1948 c. 3 (N.I.).

(i) 1965 c. 51.

(b) S.I. 1975/1292 (1975 II, p. 4362).

(d) 1937 c. 68.

(f) 1951 c. 9 (N.I.).

(h) S.I. 1967/489 (1967 I, p. 1562).

2. The validity of a declaration shall not be affected by reason of the fact that, in consequence of any decrease in the amount of the annual pension after the declaration has taken effect, the amount allocated exceeds any amount specified in paragraph 1; but subject thereto, the amount allocated shall not exceed those amounts.

3. A declaration shall be made in the form approved by the Secretary of State within 3 months (or, in the case of a teacher resident outwith Scotland 4 months) of the despatch to the teacher of the declaration form mentioned in paragraph 5 after the teacher has—

- (a) within the time so specified in the table below, given the Secretary of State notice of his intention to make the allocation;
- (b) satisfied the Secretary of State as to his health; and
- (c) provided the Secretary of State with such information (verified in such manner) as the Secretary of State may require relating to the beneficiary.

4.—(1) For the purposes of paragraph 3(b) the teacher shall submit himself for examination by a medical practitioner nominated by the Secretary of State; and the teacher may, if as a result of such an examination he does not satisfy the Secretary of State as to his health, submit himself for examination by another medical practitioner so nominated.

(2) Any fees or other expenses which may be incurred by a teacher in connection with a medical examination or otherwise in satisfying the Secretary of State as is mentioned in paragraph 3 shall be paid by the teacher.

5. As soon as may be after the teacher has notified the Secretary of State of his intention to allocate the Secretary of State shall send the teacher a declaration form and particulars of the following:—

- (a) the actuarial equivalents of allocations in terms of pension and annuities payable under regulation 53;
- (b) the amount, or as the case may be estimated amount, of any annual pension payable in respect of him;
- (c) information about the medical examination required for the purposes of paragraph 4(1); and
- (d) the time specified by paragraph 3 for the making of the declaration.

6.—(1) Subject to regulation 53(7) a declaration may be varied or revoked by a further declaration made before the day specified in the table.

(2) A declaration shall become void on the death before the day specified in the table of either the teacher or the beneficiary.

TABLE

<i>Paragraph</i>	<i>Subject matter</i>	<i>Retiring teacher</i>	<i>Continuing teacher</i>
3(a)	Notice of intention to allocate	Not later than application for payment of pension or such later date as may be approved by the Secretary of State	Not earlier than 4 months before the date on which the teacher will become entitled to a retiring allowance under regulation 46 (assuming he continues service to that date)
6(1)	Revocation or variation of declaration	Commencement of payment of pension	The day on which the declaration takes effect
6(2)	Voidance of declaration	Whichever is the later of the day before the commencement of payment of the pension and the expiration of the day on which the declaration is delivered to the Secretary of State	Whichever is the later of the day on which the declaration takes effect and the day on which it is delivered to the Secretary of State

NOTES:

1. Any declaration or other document which is sent by registered post or recorded delivery service shall be deemed to have been delivered at the time at which it would have been delivered in the ordinary course of post.

2. The reference in the table to a retiring teacher is to a teacher whose declaration is made in pursuance of notice of his intention to retire within 4 months of the serving of the notice; and the reference to a continuing teacher is to a teacher who is not a retiring teacher.

Regulation 63

SCHEDULE 7

SHORT-TERM PENSIONS

TABLE 1

Less than 5 years' service counting for benefit under Schedule 9				
Category	Where teacher is married at date of death or there is an adult nominated beneficiary	Where teacher is not married at date of death and there is no adult nominated beneficiary	Duration of pension (months)	Rate of pension (all categories)
1	Widow or widower or other adult nominated beneficiary but no child.		3	Annual rate of salary of teacher on last day of reckonable service
2	Widow or widower or other adult nominated beneficiary with one child.		4½	
3	Widow or widower or other adult nominated beneficiary with 2 or more children.		6	
4	—	1 child	2	
5	—	2 or more children	4	

TABLE 2

5 or more years' service counting for benefit under Schedule 9			
Where teacher is married at date of death or there is an adult nominated beneficiary	Where teacher is not married at date of death and there is no adult nominated beneficiary	Duration of pension (months)	Rate of pension
Categories 1-5 in table 1		3	Annual rate of salary of teacher on last day of reckonable service

TABLE 3

Retired teachers with 5 or more years' service counting for benefit under Schedule 9

Where teacher is married at date of death or there is an adult nominated beneficiary	Where teacher is not married at date of death and there is no adult nominated beneficiary	Duration of pension (months)	Rate of pension
Categories 1-5 in table 1		3	Rate of annual pension received by teacher immediately before death

NOTES:

1. In all cases the widower must be a nominated beneficiary as defined in regulation 3.
2. Where a child's pension is payable it shall be payable to or for the benefit of the child or, as the case may be, jointly to or for the benefit of any children dependent on the teacher at the time of death.
3. On the death of a widow, widower or other adult nominated beneficiary before the termination of short-term pension payable under categories 2 or 3 of table 1, the balance of pension is payable to the child or children, as the case may be.

Regulations 64 and 65

SCHEDULE 8

TABLE 1

AMOUNT OF ADULT'S LONG-TERM PENSION

(1) Beneficiary	(2) Fraction of teacher's pensionable salary for each year of service	(3) Service
Widow	1/160th	Reckonable service counting for benefit
Adult nominated beneficiary	1/160th	ditto

NOTE: Where an election has been made by a teacher or the teacher's widow under regulation 38(9) the retrospective increase in the teacher's salary referred to in that regulation shall be ignored in calculating the teacher's pensionable salary in column (2).

Regulations 64 and 65

TABLE 2
AMOUNT OF CHILD'S LONG-TERM PENSION

(1) Widow or adult nominated beneficiary in receipt of a pension	(2) No widow or adult nominated beneficiary in receipt of a pension	(3) Fraction of teacher's pension- able salary for each year of service	(4) Service
1 child		1/320th	Reckonable service counting for benefit
2 or more children		1/160th	ditto
	1 child	1/240th	Teacher's total reck- onable service
	2 or more children	1/120th	ditto

NOTES:

1. Where a child's pension is payable it shall be payable to or for the benefit of the child or, as the case may be, jointly to or for the benefit of any children dependent on the teacher at the time of death.

2. If the teacher dies while employed in reckonable service or while in receipt of an incapacity pension by virtue of regulation 47:—

(a) the reckonable service counting for benefit in column (4) above shall be enhanced in accordance with paragraph 2(i) of Schedule 9 and

(b) the teacher's total reckonable service in column (4) above shall be enhanced by such number of years as could have been added to his reckonable service by virtue of regulation 51, any past added years which he could have elected to purchase under Part III being disregarded.

3. On the death of a widow or adult nominated beneficiary, a child's pension payable under column (1) becomes payable under column (2) as from the date of death.

Regulations 63 and 64

SCHEDULE 9

SERVICE COUNTING FOR BENEFIT

1. For the purposes of this Schedule the service counting for benefit shall be the aggregate of the reckonable service of a teacher since 1st April 1972 and so much of his service to which paragraph 2 applies as does not exceed the aggregate of—

(a) his reckonable service between 1st April 1965 and 31st March 1972; and

(b) any service (whether reckonable or not) before 1st April 1965 in respect of which he could have elected to pay contributions under regulation 34—

any past added years which the teacher has since 1st April 1972 elected to purchase under Part III being treated for the purposes of sub-paragraphs (a) and (b) as reckonable service since 1st April 1972.

2. As regards any teacher, this paragraph applies to—

(a) any reckonable service before 1st April 1972 in respect of which the teacher elects or, as the case may be, elected to pay contributions under regulation 32;

(b) his deemed normal service within the meaning of Part IV;

- (c) his deemed additional service within the meaning of Part IV;
- (d) twice his notional service within the meaning of Part IV;
- (e) any period of service as is specified in an election by him to pay contributions under regulation 31 or regulation 33;
- (f) (i) where the teacher has elected to pay contributions under regulation 31 1/5th of the period of service in respect of which the teacher has so elected but not exceeding 1/5th of the maximum period for which the teacher could have elected to pay under regulation 31 if his reckonable service prior to 1st April 1972 had not exceeded the period of the previous service in respect of which prior to that date he paid, or elected to pay, family pensions contributions; or
 - (ii) where the teacher has elected to pay contributions under regulation 33, a period equal to the period of service in respect of which the teacher has elected to pay such contributions;
- (g) any service in respect of which contributions have been deducted from the terminal sum payable in respect of him by virtue of regulation 38(1);
- (h) any war service in respect of which the teacher paid contributions under regulation 70;
- (i) if the teacher died while employed in reckonable service or while in receipt of an annual pension to which he became entitled by virtue of regulation 47, such number of years as bears to any period which (disregarding any past added years which he elected to purchase) was or could have been added to his reckonable service by virtue of regulation 51 the same proportion as the aggregate number of years of his reckonable service under paragraphs 1(a) and subparagraphs (a), (b), (c), (d), (e), (f), (g) and (h) bears to his total reckonable service;
- (j) any past added years which the teacher has since 1st April 1972 elected to purchase under Part III;
- (k) any previous service within the meaning of previous provisions for family pensions in respect of which he paid contributions by Method I or II (within the meaning of those provisions) after 31st March 1972 if these contributions have not been returned to him or he has not elected to pay contributions under regulation 31.

Regulations 72(1) and 73(2)

SCHEDULE 10
TRANSFER VALUES
PART I

Transfer values

1. The transfer value payable in respect of any teacher shall be—
 - (a) the aggregate of the sums calculated in accordance with paragraph 2 in respect of accrued gross annual pension (reduced by a sum in respect of national insurance modification calculated in accordance with paragraph 4), lump sum and widow's pension, together with—
 - (b) compound interest at 6 per cent with yearly rests in respect of each complete year beginning with the day upon which the teacher ceases to be employed in reckonable service and ending with the day on which the transfer value is paid.
- 2.—(1) The sums in respect of gross annual pension and lump sum shall be calculated by multiplying the accrued entitlement (within the meaning of paragraph 3) of the teacher to that benefit by the appropriate factor.
 - (2) The sum in respect of widow's pension shall be calculated by multiplying by 4 the accrued entitlement of the teacher to that pension.
 - (3) The accrued entitlement of a teacher to a benefit is the amount expressed in pounds calculated by multiplying his pensionable salary immediately before the date when he ceased to be employed in reckonable service by the fraction of which the numerator and denominator are shown in columns (2) and (3) respectively of the table below in the entry relating to that benefit.

TABLE

(1) Benefit	(2) Numerator	(3) Denominator
1. Gross annual pension	Years of service	80
2. Lump sum	(a) years of service before 1st October 1956	30
	(b) 3 times years of service after 30th September 1956	80
3. Widow's pension	Years of service counting for benefit	160

4. The amount by which the sum in respect of the teacher's gross annual pension is to be reduced shall be calculated by multiplying by the appropriate factor such of the following sums as fall to be applied in his case:—

- (a) if paragraph 4 of Schedule 12 applies to him, £1·70 for each year of his service;
- (b) if paragraph 5 of that Schedule applies to him, the sum determined as applicable to him by virtue of the table in the appendix to that Schedule;
- (c) if his reckonable service includes any such period of employment as is described in paragraphs 7, 8 or 9 of that Schedule, the amount by which by virtue of those provisions the annual pension payable to him would have been reduced.

NOTES:

1. "The appropriate factor" means the factor appearing in the appropriate column of the appropriate part of the table in the appendix to this Schedule against the entry relating to the age of the teacher at the date when he ceased to be employed in reckonable service.

2. "Service" means reckonable service and as regards any teacher includes the number of past added years calculated in accordance with regulations 23(2)(b), 25(5)(b)(ii) and 26(3), but does not include any period in respect of which any contributions under these regulations or previous provisions payable while the teacher was employed in reckonable service have not been paid by him when he ceases to be so employed.

3. War service counts as half.

PART II

Reckonable service

5. The reckonable service of a teacher in respect of whom the Secretary of State receives a transfer value relating to his comparable British service shall be the service certified by the person responsible for the management of the superannuation scheme to which he was subject as the service which stood to his credit under that scheme when it ceased to apply to him.

6. A teacher who was previously subject to any other superannuation scheme shall be credited with reckonable service equal to the reckonable service which would enable the Secretary of State to pay, in respect of a former teacher of his age, a transfer value of the amount which the Secretary of State received in respect of the teacher.

7. For the purposes of paragraph 6—

- (a) the former teacher referred to in that paragraph is to be treated as not being an existing teacher within the meaning of Schedule 12 unless the teacher referred to either—
 - (i) is entitled to that classification by virtue of paragraph 2(1)(a) of that Schedule; or
 - (ii) was formerly subject to a statutory superannuation scheme under which he was not subject to modification of superannuation benefits on account of flat-rate national insurance;
- (b) in the case of a teacher who was formerly subject to a statutory superannuation scheme or to a non-statutory superannuation scheme which is for the time being treated by the Secretary of State with the agreement of the Minister for the Civil Service as a statutory scheme for the purposes of this Schedule—
 - (i) the calculation of the reckonable service to be credited to him is to be made by reference to his age, and to the salary notified to the Secretary of State by the person responsible for the management of the scheme as the salary payable to him, on the last day on which he was a member of that scheme; and
 - (ii) any sum representing interest included in the transfer value paid to the Secretary of State is to be ignored;
- (c) in the case of a teacher who was formerly subject to any other non-statutory scheme—
 - (i) the calculation of the reckonable service to be credited to him is to be made by reference to his age, and to the full salary at the rate payable to him, on the day on which he became employed in reckonable service or, if the transfer value in respect of him is received by the Secretary of State more than 1 year after he becomes employed in reckonable service, the day on which that transfer value is received; and
 - (ii) any sum representing interest which is included in the transfer value is to be taken into account.

8. If in the case of any teacher the reckonable service credited to him by virtue of paragraph 6 is less than his pensionable service under the scheme to which he was formerly subject, that pensionable service (and not the service so credited to him) shall be treated as reckonable service for the purposes of any provision of the regulations relating to entitlement to benefit.

APPENDIX
PART A—MEN

Age for paragraph 2(1), 4, 7(b)(1) or 7(c)(1) as the case may be	Gross pension £	Lump sum £	Deduction for national insurance modification £
Less than 20	5·00	·60	·25
20	5·05	·60	·25
21	5·10	·61	·25
22	5·15	·61	·30
23	5·20	·61	·30
24	5·25	·62	·30
25	5·30	·62	·35
26	5·35	·63	·40
27	5·40	·63	·40
28	5·45	·63	·45
29	5·50	·64	·50
30	5·55	·64	·50
31	5·60	·65	·55
32	5·65	·66	·60
33	5·70	·66	·65
34	5·75	·67	·70
35	5·80	·67	·80
36	5·85	·68	·90
37	5·90	·68	1·00
38	5·95	·68	1·10
39	6·00	·69	1·20
40	6·05	·69	1·30
41	6·10	·70	1·40
42	6·15	·70	1·50
43	6·20	·71	1·60
44	6·25	·72	1·70
45	6·30	·72	1·80
46	6·40	·73	1·90
47	6·50	·74	2·00
48	6·60	·74	2·20
49	6·70	·75	2·40
50	6·80	·75	2·60
51	6·90	·76	2·90
52	7·10	·76	3·20
53	7·30	·77	3·50
54	7·50	·78	3·80
55	7·70	·79	4·20
56	8·00	·80	4·60
57	8·30	·81	5·00
58	8·60	·82	5·40
59	9·00	·84	5·80
60	9·50	·86	6·30
61	9·50	·88	6·80
62	9·50	·91	7·40
63	9·50	·94	8·10
64	9·50	·98	9·00
65	9·50	1·00	9·50

APPENDIX
PART D—WOMEN

Age for paragraph 2(1), 4, 7(b)(1) or 7(c)(1) as the case may be	Gross pension £	Lump sum £	Deduction for national insurance modification £
Less than 20	7·00	·60	·50
20	7·05	·60	·50
21	7·10	·61	·55
22	7·15	·61	·60
23	7·20	·61	·65
24	7·25	·62	·70
25	7·35	·62	·75
26	7·40	·63	·80
27	7·45	·63	·85
28	7·50	·63	·90
29	7·55	·64	·95
30	7·65	·64	1·05
31	7·70	·65	1·15
32	7·80	·66	1·25
33	7·90	·66	1·35
34	7·95	·67	1·45
35	8·05	·67	1·55
36	8·15	·68	1·65
37	8·25	·68	1·75
38	8·35	·68	1·85
39	8·45	·69	1·95
40	8·55	·69	2·10
41	8·65	·70	2·25
42	8·75	·70	2·45
43	8·85	·71	2·65
44	8·95	·72	2·90
45	9·05	·73	3·15
46	9·15	·74	3·40
47	9·25	·75	3·70
48	9·35	·76	4·00
49	9·45	·77	4·35
50	9·55	·78	4·75
51	9·65	·79	5·15
52	9·80	·80	5·60
53	9·95	·81	6·10
54	10·10	·82	6·65
55	10·30	·83	7·25
56	10·50	·84	7·95
57	10·75	·85	8·75
58	11·05	·87	9·65
59	11·40	·89	10·65
60	11·75	·91	11·75
61	11·75	·93	11·75
62	11·75	·95	11·75
63	11·75	·97	11·75
64	11·75	·99	11·75
65	11·75	1·00	11·75

Regulation 76

SCHEDULE 11

TEACHERS' SUPERANNUATION ACCOUNT

PART I

FORM OF ACCOUNT

THE TEACHERS' SUPERANNUATION (SCOTLAND) REGULATIONS 1977

Account of receipts and payments from 1st April 19 to 31st March 19

A Receipts	£000's	B Payments	£000's
I. To balance on (end of period of previous account)		I. By retiring allowances and gratuities	
II. To contributions—		(i) annual pensions attributable to service on or after 1st June 1922	
(i) from teachers and other persons eligible		(ii) lump sums, deficiency payments and incapacity gratuities ...	
(ii) from employers ...		(iii) death gratuities ...	
III. To moneys provided by Parliament, equal to the payments under heading II of the payments side of this account		(iv) widows' pensions ...	
IV. to payments on re-entry into employment in reckonable service		(v) children's pensions ...	
V. To amounts recovered from returns of contributions in accordance with section 60(1) of the National Insurance Act 1965 ...		(vi) other beneficiaries' pensions	
VI. To transfer values and other receipts		(vii) short-term family pensions	
VII. To interest on balance of receipts over payments calculated in accordance with regulation 79 ...		(viii) returns of contributions	
		II. By annual pensions attributable to service before 1st June 1922	
		III. By payments in lieu of graduated contributions ...	
		IV. By transfer values and other payments	
		V. Balance on 31st March 19	

PART II

NOTIONAL INVESTMENT AS AT 31ST MARCH 1971 OF BALANCE OF REVENUE OVER EXPENDITURE

1. For the purpose of determining the sum representing interest to be paid into the account prescribed by regulation 76 and this Schedule the accumulated balance of revenue over expenditure as at 31st March 1971 (being the balance remaining at the end of the accounting period beginning on 1st April 1955 and the balances in respect of subsequent accounting periods up to and including that beginning on 1st April 1970) shall be deemed at that date to have been invested in the investments and in the manner following:—

£ 33,136,000	Funding 3½ per cent stock 1999–2004
£209,462,000	Treasury 5½ per cent stock 2008–2012
£ 6,856,000	Bearing interest at the rate of 3½ per cent per annum

2. (a) The sum of £6,856,000 specified in paragraph 1 above shall be treated as having been reduced to £2,532,000 on 31st March 1972 and to nil on 31st March 1973; and
- (b) The amount deemed to have been invested in pursuance of regulation 79(2) shall be increased for the accounting period beginning on 1st April 1971 by £4,324,000 and for the accounting period beginning on 1st April 1972 by £2,532,000.

PART III

APPORTIONMENT OF PAYMENTS

1. The amount of payments by way of annual pensions attributable to service after 1st June 1922 is the amount calculated by multiplying the total payments on such pensions by half the net sums of apportioned pensions in payment at the end of the last preceding accounting period; and the balance of that total shall be attributable to service before 1st June 1922.
2. The amount of payments by way of gratuities and other lump sums attributable to service after 1st June 1922 shall be calculated by multiplying the whole of such payments by the net sum of apportioned lump sums and gratuities awarded during the accounting period; and the balance of that expenditure shall be attributable to service before 1st June 1922.
3. In this Part—
 - (a) an apportioned retiring allowance shall be calculated by multiplying the amount of the retiring allowance by a fraction of which the numerator is the period (to the nearest year) of the reckonable service of the teacher since 1st June 1922 and the denominator is the total (to the nearest year) of his reckonable service;
 - (b) the net sum of apportioned retiring allowances shall be calculated by multiplying the sum of apportioned pensions in payment or lump sums or gratuities awarded during the period in question by the total number of pensions in payment or lump sums or gratuities awarded;
 - (c) in calculating the net sum of apportioned retiring allowances the amount of any retiring allowance, or the sum of any retiring allowances, shall be taken to the nearest pound and other amounts shall be taken to the nearest £1,000;
 - (d) an annual pension shall be taken to be in payment at any time after it has been put into payment and has not ceased to be payable.

Regulation 9

SCHEDULE 12

MODIFICATIONS RELATING TO NATIONAL INSURANCE

Interpretation

1. In this Schedule, unless the context otherwise requires—
 - “the Act” means the National Insurance Act 1965(a);
 - “existing teacher” has the meaning assigned to it by this Schedule;
 - “national insurance modifications” means the modifications made to these regulations and to previous provisions whereby the superannuation benefits provided thereunder are modified in relation to insured persons for the purposes of the Act;
 - “new entrant teacher” has the meaning assigned to it by this Schedule;
 - “non-participating employment” has the meaning assigned to it by section 56(1) of the Act;
 - “participating employment” means employment other than non-participating employment;
 - “retired teacher” means a teacher who has ceased to be employed in reckonable service and who, if a man, has attained the age of 65 or, if a woman, has attained the age of 60.

Classification of teachers

2.—(1) For the purposes of this Schedule—

(a) “existing teacher” means—

- (i) a teacher who was employed in reckonable service at any time before 1st July 1948 whether or not his contributions in respect of that service were returned to him; or
- (ii) a teacher who before 1st March 1948 had completed a course approved for the purposes of this Schedule by the Secretary of State (“an approved course”) or was engaged on an approved course, or had been accepted or provisionally accepted for an approved course, or had applied to be accepted for and had as a result of that application subsequently become engaged on an approved course and had entered reckonable service within 6 months of completing the said approved course.

(b) “new entrant teacher” means either—

- (i) a teacher who enters upon reckonable service for the first time on or after 1st July 1948; or
- (ii) a teacher to whom sub-paragraph (a) applies and who makes an election under sub-paragraph (3).

(2) (a) An existing teacher shall be unmodified, that is to say, shall be a teacher to whom the national insurance modifications do not apply; and

(b) a new entrant teacher shall be modified, that is to say, shall be a teacher to whom the national insurance modifications apply.

(3) An existing teacher in reckonable service on 1st July 1948 shall remain unmodified unless he elected on or before 30th September 1948 to be modified or, if he was not in reckonable service on 1st July 1948, so elects within 3 months after the date on which he first enters or re-enters reckonable service. Notice so given is irrevocable.

(4) Where a teacher was employed in comparable British service, or in other employment to which interchange provisions apply, he shall on entering reckonable service retain the classification which in the opinion of the Secretary of State corresponds to his classification in his former superannuation scheme, and where his classification has not been so determined the provisions of sub-paragraph (3) shall apply to him as they apply to a teacher who was not in reckonable service on 1st July 1948.

Reduction of contributions

3. In relation to teachers who are modified regulations 11(2)(a)(i) and 11(2)(b)(i) shall have effect subject to the modification that the contributions payable thereunder both by the teacher and by his employer shall be reduced, in the case of a woman, by £2·95 a year and, in the case of a man, by £2·40 a year.

Reduction of annual pension

4.—(1) An annual pension payable under these regulations to a retired teacher to whom paragraph 2(1)(b)(i) or 2(4) applied shall be reduced by whichever is the lesser of £67·75 and the amount calculated by multiplying £1·70 for each completed year, and by a proportionate amount in respect of part of a year, of reckonable service after 1st July 1948.

(2) For the purposes of this paragraph any enhancement of reckonable service under regulation 51 or any past added years purchased under Part III shall be deemed to be service after 1st July 1948.

(3) Sub-paragraph (1) shall apply in the case of any retired teacher to whom paragraph 3 does not apply if the Secretary of State is satisfied that the contributions paid by him were modified on the assumption that that paragraph did apply in his case; and regulation 49(2)(b) shall not apply in respect of those contributions.

5.—(1) An annual pension payable under these regulations to a retired teacher who is modified by virtue of an election made in terms of paragraph 2(3) shall be reduced for each completed year, and proportionately for part of a year, of reckonable service after the date of modification by the sum specified in either column (2) or column (3), whichever is appropriate, of the table in the appendix to this Schedule which appears against his age at the date of modification specified in column (1).

(2) In the case of a retired teacher who is modified by virtue of an election made in terms of paragraph 2(3) the date of modification shall be, for the purposes of this paragraph, 1st July 1948 where notice has been given before the said date and the 1st day of the month following the date of the election in any other case.

(3) For the purposes of this paragraph any enhancement of reckonable service under regulation 51 and any past added years purchased under Part III shall be deemed to be service after the date of modification.

6. For the purposes of paragraphs 4 and 5 the reckonable service of a retired teacher shall be the amount of service not exceeding 40 years which may be taken into account for the purpose of calculating the amount of the annual pension payable to him.

7. If, in calculating the amount of annual pension payable to a retired teacher under these regulations, there is taken into account any period of employment between 2nd April 1961 and 5th April 1975 (both dates inclusive) which is participating employment the annual pension shall, except as provided in paragraphs 9 and 10, be reduced for each year of such period and proportionately for part of a year, by the appropriate amount specified in the following table:—

TABLE

Annual rate of salary during period	Reduction in annual pension for each whole year of period			
	From 3rd April 1961 to 5th January 1964		From 6th January 1964 to 5th April 1975	
	Men	Women	Men	Women
	£	£	£	£
Not exceeding £468	nil	nil	nil	nil
Over £468 but not exceeding £520	.19	.16	.19	.16
Over £520 but not exceeding £572	.58	.48	.58	.48
Over £572 but not exceeding £624	.96	.80	.96	.80
Over £624 but not exceeding £676	1.35	1.12	1.35	1.12
Over £676 but not exceeding £728	1.73	1.44	1.73	1.44
Over £728 but not exceeding £780	2.12	1.76	2.12	1.76
Over £780 but not exceeding £832	2.31	1.92	2.51	2.09
Over £832 but not exceeding £884	2.31	1.92	2.90	2.42
Over £884 but not exceeding £936	2.31	1.92	3.29	2.74
Over £936... ..	2.31	1.92	3.48	2.90

8. If, in calculating the amount of an annual pension there is taken into account any period of employment between 2nd April 1961 and 5th April 1975 (both dates inclusive) in respect of which a payment in lieu of contributions has been made under the Act the annual pension shall, except as provided in paragraphs 9 and 10 be reduced—

(a) by £2.31 in the case of a man and by £1.92 in the case of a woman for each year, and proportionately for part of a year, of any period from 3rd April 1961 to 5th January 1964; and

(b) by £3.48 in the case of a man and by £2.90 in the case of a woman for each year, and proportionately for part of a year, of any period from 6th January 1964 to 5th April 1975.

9. Where—

- (a) a period of employment of a retired teacher which was participating employment or in respect of which a payment in lieu of contributions had been made is treated as reckonable service by virtue of interchange provisions; and
- (b) the Secretary of State is informed of the amount by which the pension of a retired teacher under the pension scheme applicable to him before interchange provisions applied to him would have been reduced in respect of that period by reason of graduated retirement benefit payable under the Act or of the method of calculating such reduction,

the annual pension in respect of that period shall be reduced by that amount or by an amount calculated in accordance with that method, as the case may be, and no reduction shall be made under paragraph 7 or 8 in respect of that period.

10. No reduction in the amount of an annual pension shall be made under paragraph 7 or 8 in respect of any added years or period of national service which is reckonable service by virtue of regulation 4(1)(b) or 4(1)(f) respectively.

The account

11. There shall be treated as payments out of the account kept under regulation 76 payments in lieu of contributions made under the Act by the Secretary of State during the accounting period and as receipts amounts recovered by him under section 60 of the Act during the accounting period.

Equivalent pension benefits

12. An annual pension payable to a teacher shall, so far as attributable to any teaching service which is non-participating employment (exclusive of any period of such employment in respect of which a payment in lieu has been made under the Act), be not less than the amount required to constitute the benefits in respect of that service equivalent pension benefits for the purposes of that Act.

13. A teacher who—

- (a) if a man, on the 65th anniversary of his birth, or, if a woman, on the 60th anniversary of her birth, is employed in reckonable service; and
- (b) is not otherwise entitled to the payment of retiring allowances under regulation 46 or to the resumption of an annual pension under regulation 62

shall be paid in respect of any such service as aforesaid between 2nd April 1961 and 5th April 1975 (both dates inclusive) which is non-participating employment (exclusive of any period of such employment in respect of which a payment in lieu of contributions has been made under the Act) an annual pension not less than that required to constitute the benefits in respect of that service equivalent pension benefits for the purposes of that Act.

APPENDIX

TABLE

Age at date of modification (1)	Yearly reduction of pension for each completed year of reckonable service after date of modification	
	Men (2)	Women (3)
	£	£
20 or under	1.70	1.70
21	1.65	1.60
22	1.60	1.53
23	1.55	1.45
24	1.50	1.37
25	1.47	1.30
26	1.45	1.23
27	1.43	1.17
28	1.40	1.13
29	1.35	1.07
30	1.33	1.03
31	1.30	0.97
32	1.27	0.95
33	1.25	0.93
34	1.23	0.90
35	1.20	0.87
36	1.17	0.85
37	1.15	0.83
38	1.13	0.80
39	1.10	0.77
40	1.07	0.75
41	1.07	0.73
42	1.05	0.73
43	1.03	0.70
44	1.00	0.70
45	0.97	0.67
46	0.95	0.65
47	0.95	0.65
48	0.93	0.63
49	0.93	0.63
50 and over	0.93	0.60

Regulation 10(3)

SCHEDULE 13

TRANSITORY PROVISIONS RELATING TO FAMILY PENSIONS

Provision of the 1971 family benefits regulations	Modification
34	Paragraph (1)(d) shall be omitted.
43	Paragraph (1)(c) shall be omitted.
44(2)	—
44(4), (5), (5A) and (6)	The reference in paragraph (4)(c) to class B external service is to be construed as a reference to service specified in paragraphs 1, 2 and 3 of Schedule 4 and sub-paragraph (d) shall be omitted.
45	—
49	Paragraph (b) shall be omitted.
50	The references to regulation 52 as amended shall be omitted.
51	Paragraph (2)(b) shall be omitted.
59-69	The regulations shall apply only in relation to nominations made under regulation 57 before, and still effective at, 1st April 1972.

SCHEDULE 14

REVOCATIONS

Regulations revoked	References
The Teachers Superannuation (Scotland) Regulations 1969	S.I. 1969/77 (1969 I, p. 133)
The Teachers Superannuation (Scotland) (Amendment) Regulations 1969	S.I. 1969/659 (1969 II, p. 1820)
The Teachers Superannuation Account (Rates of Interest) (Scotland) Regulations 1969	S.I. 1969/785 (1969 II, p. 2203)
The Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971	S.I. 1971/1775 (1971 III, 4813)
The Teachers Superannuation (Scotland) Amendment Regulations 1971	S.I. 1971/1995 (1971 III, p. 5683)
The Teachers Superannuation (Family Benefits) (Scotland) Amendment Regulations 1972	S.I. 1972/442 (1972 I, p. 1644)
The Teachers Superannuation (Financial Provisions) (Scotland) Regulations 1972	S.I. 1972/551 (1972 I, p. 1855)
The Teachers Superannuation (Financial Provisions and Family Benefits) (Scotland) Regulations 1972	S.I. 1972/1239 (1972 II, p. 3738)
The Superannuation (Teachers and Teachers' Families) (Scotland) Regulations 1973	S.I. 1973/547 (1973 I, p. 1738)
The Teachers Superannuation (Family Benefits) (Scotland) Amendment Regulations 1973	S.I. 1973/2078 (1973 III, p. 7164)
The Teachers Superannuation (Miscellaneous Amendments) (Scotland) Regulations 1974	S.I. 1974/376 (1974 I, p. 1198)
The Teachers Superannuation (Added Years and Interchange) (Scotland) Regulations 1974	S.I. 1974/1135 (1974 II, p. 4315)
The Teachers Superannuation (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 1974	S.I. 1974/1993 (1974 III, p. 6981)
The Teachers Superannuation (Contributions) (Scotland) (No. 2) Regulations 1974	S.I. 1974/1994 (1974 III, p. 6985)
The Teachers Superannuation (Family Benefits) (Scotland) Amendment Regulations 1975	S.I. 1975/98 (1975 I, p. 292)
The Teachers Superannuation (War Service) (Scotland) Regulations 1975	S.I. 1975/872 (1975 II, p. 3085)
The Teachers Superannuation (Family Benefits) (Scotland) Regulations 1975	S.I. 1975/931 (1975 II, p. 3249)
The Teachers Superannuation (Service Credit) (Scotland) Regulations 1975	S.I. 1975/1352 (1975 III, p. 4603)
The Teachers Superannuation (Miscellaneous Provisions) (Scotland) Regulations 1976	S.I. 1976/910 (1976 II, p. 2346)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with a few minor changes, all the regulations relating to the superannuation of teachers (including the payment of pensions and other benefits to their dependants).

Apart from minor corrections and drafting improvements the only changes are:—

- (a) the provision of superannuation benefits to teachers who have attained the age of 50 and who have to retire early because of redundancy or in the interests of the efficiency of the service (regulation 46);
- (b) an alternative method of calculating benefits payable to retired teachers who resume service for a year or more (regulation 59);
- (c) the provision of short-term pensions for adult nominated beneficiaries (other than widows who were already provided for) and in all cases where a teacher dies within a year of ceasing to be on the payroll because of prolonged sick-leave (regulation 63 and Schedule 7); and
- (d) the alteration of the accounting arrangements from an income and expenditure basis to a receipts and payments basis (regulations 76-78) and the setting-out in regulations of the Form of Account (Schedule 11).

As authorised by section 12(1) of the Superannuation Act 1972 the Regulations have retrospective effect to 1st August 1977 except as otherwise expressly provided in regulations 38(9) and 46(2)(c).

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