
STATUTORY INSTRUMENTS

1988 No. 1652

The Teachers' Superannuation (Consolidation) Regulations 1988

PART B

PENSIONABLE EMPLOYMENT

Exclusion from pensionable employment

B5.—(1) A person is not in pensionable employment unless he is—

- (a) 18 years old or older and under 70, and
- (b) entitled to be paid his salary in full, or on sick leave or maternity leave and entitled to be paid not less than half his salary.

(2) A person is not in pensionable employment while he is in an employment which immediately before 1st November 1988 by virtue of regulation 8(1)(a) of the 1976 Regulations (employments treated as not being reckonable service by previous provisions) was not pensionable employment.

(3) This paragraph applies to a person who—

- (a) immediately before 1st November 1988 was in, or
- (b) not more than 12 months before that date had ceased to hold,

an employment which by virtue of regulation 8(3) of the 1976 Regulations (employments superannuable under section 7 or 8 of the Superannuation Act 1972⁽¹⁾) was not pensionable employment.

(4) Subject to paragraph (5), a person to whom paragraph (3) applies is not in pensionable employment while he is in an employment which would not have been pensionable employment if—

- (a) regulation 8(3) of the 1976 Regulations had continued in force, and
- (b) he had made no election under regulation 8(3)(c).

(5) Within 3 months after the start of an employment to which paragraph (3) applies the person may, by giving written notice to the Secretary of State and to the appropriate administering authority within the meaning of the Local Government Superannuation Regulations 1986⁽²⁾, elect that paragraph (4) is to cease to apply.

(1) 1972 c. 11.

(2) S.I. 1986/24; relevant amendments were made by S.I. 1986/380, 1987/293.