

1988 No. 387

**EDUCATION, ENGLAND AND WALES**

**The Teachers' Superannuation (Miscellaneous Provisions) Regulations 1988**

<i>Made - - - -</i>	<i>3rd March 1988</i>
<i>Laid before Parliament</i>	<i>10th March 1988</i>
<i>Coming into force</i>	<i>1st April 1988</i>

The Secretary of State, in exercise of the powers conferred by section 9 of the Superannuation Act 1972(a) and Schedule 3 thereto, and by section 35(7) and (8) of the Social Security Pensions Act 1975(b), after consulting with representatives of the local education authorities, teachers and other persons likely to be affected in accordance with section 9(5) of the Superannuation Act 1972, and with the consent of the Treasury, hereby makes the following Regulations:-

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Miscellaneous Provisions) Regulations 1988, and shall come into force on 1st April 1988.

(2) In these Regulations "the principal Regulations" means the Teachers' Superannuation Regulations 1976(c), and unless the context otherwise requires expressions which are also used in the principal Regulations have the same meaning as they have in those Regulations.

**Purchase of past added years**

2. Regulation 24 of the principal Regulations is amended by inserting after paragraph (2)(c) the following:

"and

(d) unless he elects—

(i) no earlier than the date on which he applies for allowances, to pay contributions by Method B, or

(ii) to pay contributions by Method D,  
a period of not less than 30 days,".

**Purchase of current added years**

3. Regulation 30 of the principal Regulations is amended by substituting for paragraph (8) the following:

"(8) For the purposes only of this regulation a teacher's employment in reckonable service is not discontinued while he is absent from duty during and in consequence of a trade dispute.

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(a) 1972 c.11.

(b) 1975 c.60; section 35(7) was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c.5), section 22(7), by the Social Security Act 1979 (c.18), Schedule 3, paragraph 18, and by the Social Security Act 1985 (c.53), Schedule 3, paragraph 2; section 35(8) was amended by the Social Security Act 1985, Schedule 3, paragraph 8 and a relevant exception to it was prescribed by the Occupational Pension Schemes (Revaluation) Regulations 1985 (S.I. 1985/1930), regulation 10.

(c) S.I. 1976/1987; relevant amendments were made by S.I. 1982/967.

(9) Paragraph (8) applies—

(a) even if the person was not participating in or financing or otherwise directly interested in the trade dispute, and

(b) even if his employer was not a party to the trade dispute.

(10) In this regulation “trade dispute” has the meaning given by section 29 of the Trade Union and Labour Relations Act 1974(a).”.

#### **Extension of time**

4. Regulation 96 of the principal Regulations is amended by deleting the words “Subject to regulation 30(8)”.

#### **Employment which is reckonable service**

5. Schedule 1 to the principal Regulations is amended by inserting after paragraph 3 the following:

“3A. Teacher, organiser or supervisor employed—

(a) in an independent school which is for the time being recognised by the Secretary of State as a city technology college, or

(b) in connection with a proposed independent school the proposals for which are for the time being recognised by the Secretary of State as proposals for a city technology college.”.

#### **Revaluation of guaranteed minimum in certain cases**

6.—(1) This regulation applies where a person has ceased to be employed in reckonable service and has taken a right to a cash equivalent under Schedule 1A to the Social Security Pensions Act 1975(b) (“the Pensions Act”) by exercising the option conferred by paragraph 13(2) of that Schedule wholly or partly in the way specified in paragraph 13(2)(b) (purchase of annuity).

(2) Where this regulation applies, to the extent that the person’s guaranteed minimum is otherwise appropriately secured within the meaning of section 52C(4) of the Pensions Act(c)—

(a) for the purposes of section 35(2) of that Act (amount of guaranteed minimum) the person’s earnings factors shall be determined by reference to the last order under section 21 of that Act to come into force before the end of the tax year in which his service was terminated and without reference to the last such order to come into force before the end of the final relevant year, and

(b) the weekly equivalent mentioned in section 35(2) of that Act shall be increased in accordance with any additional requirements for the time being prescribed for the purposes of section 45(1)(b) (exclusion from liability to pay a limited revaluation premium).

(3) In this regulation “tax year” means the 12 months beginning with 6th April in any year and “final relevant year” has the meaning given in section 35(9) of the Pensions Act.

1st March 1988

*Kenneth Baker*  
Secretary of State for Education and Science

We consent

3rd March 1988

*Peter Lloyd*  
*Mark Lennox-Boyd*  
Two of the Lords Commissioners of Her Majesty’s Treasury

(a) 1974 c.52; part of section 29(3) was repealed by the Trade Union and Labour Relations (Amendment) Act 1976 (c.7), section 1(d), and section 29(7) was repealed by the Criminal Law Act 1977 (c.45), section 65 and Schedule 13; further amendments were made to section 29 by the Employment Act 1982 (c.46), section 18.

(b) 1975 c.60: Schedule 1A was inserted by the Social Security Act 1985 (c.53), Schedule 1, paragraph 3.

(c) Section 52C was inserted by the Social Security Act 1985, Schedule 1, paragraph 2, and amended by the Social Security Act 1986 (c.50), Schedule 10, paragraph 26.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Teachers' Superannuation Regulations 1976 ("the principal Regulations") and also make provision in connection with the revaluation of guaranteed minima.

Regulation 24 of the principal Regulations allows a teacher to purchase as reckonable service a past period during which he was not employed in such service. The minimum period that may be purchased is now to be one of 30 days, unless the purchase is made at retirement by paying a lump sum (regulation 2).

Regulation 30 of the principal Regulations allows a teacher whose employment in reckonable service is discontinued to purchase a subsequent period. For that purpose only, employment in reckonable service is now not discontinued during absence in consequence of a trade dispute (regulation 3). Late elections to purchase may now be accepted (regulations 3, 4).

Regulation 5 adds to the categories of employment that constitute reckonable service.

Subsection (7) of section 35 of the Social Security Pensions Act 1975 (which provides in subsection (2) for the revaluation of an earner's guaranteed minimum) authorises superannuation schemes to make certain alternative provision where service is terminated before pensionable age. By virtue of the Occupational Pension Schemes (Revaluation) Regulations 1985, provision may be made under subsection (7) for the case of persons whose requisite benefits are appropriately secured (on electing to have the cash equivalent of accrued benefits applied to the purchase of an annuity) notwithstanding that no such provision is made for any other case. Regulation 6 makes such provision for the case mentioned.