
STATUTORY INSTRUMENTS

1992 No. 280

The Teachers' Superannuation (Scotland) Regulations 1993

PART G

FINANCE

Teachers' superannuation account

G1.—(1) The Secretary of State shall keep an account, in such form and prepared in such manner as the Treasury may approve, of all receipts and payments under these Regulations for every financial year.

(2) The account required by regulation 76 of the 1977 Regulations to be kept for the financial year beginning 1st April 1991 shall be treated as having been required by this regulation and for these purposes all receipts and payments under the 1977 Regulations and like receipts and payments under these Regulations, in respect of that financial year, shall be aggregated and treated as if they were receipts and payments under these Regulations.

Receipts, etc., to be credited

G2.—(1) Employees' and employers' contributions received during the financial year shall be credited to the account.

(2) Employees' contributions comprise—

- (a) all contributions payable under regulations C2(1), C3, C4, C5, C7 and C9;
- (b) so much of any additional contributions payable under regulation C8 as would have been payable under regulation C2(1) if pensionable employment had continued; and
- (c) all amounts payable under regulation C13 (repayment of returned contributions).

(3) Employers' contributions comprise—

- (a) the contributions payable under regulation G5; and
- (b) so much of any additional contributions payable under regulation C8 as would have been payable under regulation G5 if pensionable employment had continued.

(4) There shall also be credited to the account—

- (a) the closing balance in the account for the preceding financial year;
- (b) all transfer values under regulation F3 and additional transfer values under regulation D5 (war service) received during the financial year;
- (c) all contributions equivalent premiums refunded, or recovered under section 47 of the Pensions Act(1), during the financial year;
- (d) any interest and other payments under these Regulations received during the financial year; and

(1) Section 47 was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), section 22(14) and by the Social Security Act 1985 (c. 53), Schedule 5, paragraphs 29 and 30.

- (e) the notional interest for the financial year described in Schedule 12.

Payments to be debited

- G3.** There shall be debited to the account all sums paid during the financial year by way of—
- (a) benefits under Part E, so far as not attributable to service before 1st June 1922;
 - (b) payments under paragraph 11 of Schedule 9 (equivalent pension benefits);
 - (c) returns of contributions (including interest) under regulations C10 and C12;
 - (d) transfer values under regulation F1 and additional transfer values under regulation F2 (war service); and
 - (e) contributions equivalent premiums.

Actuarial inquiries

G4.—(1) The Government Actuary shall make an actuarial inquiry at the end of the financial year ending with 31st March 1996 and at the end of every fifth subsequent financial year.

(2) A report on the inquiry shall be made to the Secretary of State and shall be laid by him before each House of Parliament.

(3) The report shall specify, for teachers entering pensionable employment on the first day of the next financial year, the percentage of the contributable salaries of those teachers to be paid, during the period beginning on 1st April next following the date of the report and ending with 31st March next following the date of the next report (“the relevant period”), so as to defray the cost of the payments of the kinds described in regulation G3(a) to (e) that are likely to be made in respect of them.

(4) The report shall state the amount by which, at the end of the financial year, the amount of the scheme assets exceeded or fell short of that of the scheme liabilities.

(5) The scheme assets are—

- (a) the employees' contributions receivable after the end of the financial year in respect of teachers who at the end of that year were or had been in pensionable employment;
- (b) the employers' contributions in respect of such teachers receivable after the end of the financial year, except any such supplementary contributions as are mentioned in paragraph (7);
- (c) payments that would fall to be credited under regulation G2(4)(d) and (e) to the accounts for subsequent financial years; and
- (d) the actuarial value at the end of the financial year of the notional and assumed investments described in paragraph 1 of Schedule 12.

(6) The scheme liabilities are the payments to be made under these Regulations after the end of the financial year in respect of teachers who at the end of that year were or had been in pensionable employment, except payments attributable to service before 1st June 1922.

(7) If the report states that the amount of the scheme liabilities exceeded that of the scheme assets, it shall specify a rate at which, during the relevant period, supplementary contributions should be paid by employers of teachers in pensionable employment so as to remove the deficiency within the period of 40 years beginning at the same time as the relevant period.

(8) The rate shall be expressed as a percentage of the contributable salaries from time to time of persons in pensionable employment; the percentage must either be, or be a multiple of, 0.25.

(9) In this regulation “employees' contributions” and “employers' contributions” are to be construed in accordance with regulation G2(2) and (3).

Employers' contributions

G5.—(1) Subject to paragraph (3), the employer of a teacher in pensionable employment shall during every relevant period pay contributions of the required percentage of the teacher's contributable salary for the time being.

- (2) The required percentage is
 $(A-f) + B$,

where—

A is the percentage specified for the relevant period under regulation G4(3), and

B is any percentage specified for the relevant period under regulation G4(7) and (8).

(3) No contributions shall be paid in respect of anyone to whom regulation E30(2)(a) (restriction of reckonable service to 45 years) has become applicable.

(4) For the purposes of this regulation—

- (a) a local education authority shall be deemed to be the employer of every person employed in or in connection with a school maintained by it; and
(b) “relevant period” shall be construed in accordance with regulation G4(3).

Payment by employers to Secretary of State

G6.—(1) The employer of a teacher in pensionable employment shall pay to the Secretary of State, within 15 days after the end of each month—

- (a) all amounts due from the teacher that are deductible from the teacher's salary under regulation C14(1); and
(b) the contributions payable under regulation G5, in respect of the teacher's contributable salary for that month.

(2) For the purposes of paragraph (1)—

- (a) all salaries shall be treated as being payable monthly in arrears; and
(b) any arrears payable by reason of a retrospective increase in contributable salary shall be treated as having become payable in the month in which they were paid.

(3) If the full amount of any payment required by paragraph (1) is not received by the Secretary of State within 15 days after the end of the month, interest shall be payable by the employer on the amount outstanding at 12 per cent per annum, compounded with monthly rests, from the 16th day to the date of payment; but the Secretary of State may in any particular case waive the payment of interest.