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STATUTORY INSTRUMENTS

1994 No. 2774

EDUCATION, ENGLAND AND WALES

**The Teachers' Superannuation
(Amendment) (No. 2) Regulations 1994**

<i>Made</i>	- - - -	<i>27th October 1994</i>
<i>Laid before Parliament</i>		<i>2nd November 1994</i>
<i>Coming into force</i>	- -	<i>1st December 1994</i>

The Secretary of State, in exercise of the powers conferred by sections 9 and 12 of the Superannuation Act 1972(1) and Schedule 3 thereto, after consulting with representatives of the local education authorities, teachers, and other persons likely to be affected in accordance with section 9(5) of that Act, and with the consent of the Treasury(2), hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Amendment) (No. 2) Regulations 1994 and shall come into force on 1st December 1994 but regulations 3 to 5 shall have effect as from 1st May 1994.

(2) In these Regulations—

“the principal Regulations” means the Teachers' Superannuation (Consolidation) Regulations 1988(3); and

“the 1994 Regulations” means the Teachers' Superannuation (Amendment) Regulations 1994(4).

2. The principal Regulations shall be amended by omitting sub-paragraph (a) of paragraph (4) of regulation C4.

3. The amendment made to regulation E19 of the principal Regulations by regulation 14(a) of the 1994 Regulations shall not have effect.

4.—(1) This regulation applies to a person—

(1) 1972 c. 11; section 9 was amended by sections 4(1), 8(3) and (4) and 11 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) and section 12 was amended by section 10 of that Act.

(2) See S.I. 1981/1670.

(3) S.I. 1988/1652; relevant amending instruments are S.I. 1989/378, 1993/114 and 1994/1058.

(4) S.I. 1994/1058.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) to whom a death grant or supplementary death grant may become payable under regulation E19 or E20 of the principal Regulations in respect of a person who was employed in pensionable employment but ceased to be so employed before 1st May 1994; and
- (b) who is placed in a worse position than he would have been in if the amendment made to regulation E19 or E20 of the principal Regulations by regulation 14(b) or 15 of the 1994 Regulations had not applied in relation to the death grant or supplementary death grant.

(2) A person to whom this regulation applies may, by giving written notice to the Secretary of State before the relevant date, elect that the provisions of regulation 14(b) or 15 of the 1994 Regulations (as the case may be) shall not apply in relation to the death grant or supplementary death grant.

(3) For the purposes of paragraph (2) above the relevant date is—

- (a) 1st March 1995; or
- (b) the date one month after the date of death of the person in respect of whom the death grant or supplementary death grant may become payable,

whichever is the later.

5. The amendment made to regulation E21(5)(b) of the principal Regulations by regulation 16 of the 1994 Regulations shall not apply in relation to a provision to or for the benefit of a child of a person who was employed in pensionable employment but ceased to be so employed before 1st May 1994.

9th October 1994

Gillian Shephard
Secretary of State for Education

We consent

27th October 1994

Timothy Kirkhope
Derek Conway
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations make certain changes to the provisions governing teachers' superannuation. In particular regulation 4 provides for opting out of amendments made to the Teachers' Superannuation (Consolidation) Regulations 1988 by the Teachers' Superannuation (Amendment) Regulations 1994 where persons who may receive benefits in respect of persons who have ceased to be in pensionable employment before 1st May 1994 are adversely affected and regulation 5 provides that one of those amendments does not apply to certain benefits payable in respect of such persons.