
STATUTORY INSTRUMENTS

1995 No. 1670 (S.116)

EDUCATION, SCOTLAND

**The Teachers' Superannuation (Scotland)
Amendment Regulations 1995**

<i>Made</i>	- - - -	<i>28th June 1995</i>
<i>Laid before Parliament</i>		<i>10th July 1995</i>
<i>Coming into force</i>	- -	<i>31st July 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 9 and 12 of, and Schedule 3 to, the Superannuation Act 1972(1), and of all other powers enabling him in that behalf, after consultation with representatives of education authorities and of teachers and with such representatives of other persons likely to be affected by the Regulations as appeared to him to be appropriate, in accordance with section 9(5) of that Act, and with the consent of the Treasury(2), hereby makes the following Regulations:

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Scotland) Amendment Regulations 1995.

(2) These Regulations shall come into force on 31st July 1995 and shall have effect—

- (a) for the purposes of regulation 3, as from 6th April 1995; and
- (b) for the purposes of regulation 4, as from 1st May 1995.

Interpretation

2. In these Regulations “the 1992 Regulations” means the Teachers' Superannuation (Scotland) Regulations 1992(3).

Amendment of the 1992 Regulations

3. Regulation E5 of the 1992 Regulations (entitlement to payment of retiring allowances) shall be amended—

(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) This function was transferred to the Treasury by S.I. 1981/1670.
(3) S.I. 1992/280; amended by S.I. 1992/1025 and 1597, 1993/490 and 2513 and 1994/1715 and 2699.

- (a) by inserting in paragraph (2)(c) after the word “effect” the words “unless the person entitled to receive payment has waived his right to such payment in terms of paragraph (3)”; and
 - (b) by inserting after paragraph (2) the following new paragraph:—
 - “(3) A person entitled to payment of retiring allowances by virtue of paragraph (1) (f), who is also a person to whom the provisions of regulation 7 of the Local Government (Education Administration) (Compensation for Redundancy or Premature Retirement on Reorganisation) (Scotland) Regulations 1995(4) applies, may waive his entitlement to such payment under paragraph (1)(f) by notice in writing to his employer, but such waiver shall not prejudice his entitlement to benefit under any other provision of this regulation.”.
4. In Schedule 1 to the 1992 Regulations (glossary of expressions)—
- (a) in the meaning opposite the expression “Full-time service” the word “regular” shall be omitted; and
 - (b) for the meaning opposite the expression “Part-time service” there shall be substituted the words “Service as a teacher under a contract which provides for service of less than full-time service.”.

St Andrew’s House,
Edinburgh
19th June 1995

Fraser of Carmyllie
Minister of State, Scottish Office

We consent,

28th June 1995

T J R Wood
A J B Mitchell
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Teachers' Superannuation (Scotland) Regulations 1992 (S.I. 1992/280) ("the 1992 Regulations").

Regulation 3 adds a new paragraph to regulation E5 of the 1992 Regulations to enable staff aged 50 or over with reckonable service amounting in aggregate to 2 or more but less than 5 years who are eligible to receive payment of compensation in terms of the Local Government (Education Administration) (Compensation for Redundancy or Premature Retirement on Reorganisation) (Scotland) Regulations 1995 ("the 1995 Regulations") (S.I. 1995/840) to waive their right to immediate payment of an annual retirement pension and a retirement lump sum in terms of regulation E5(1)(f) of the 1992 Regulations. A waiver of this right is required if such employees are to receive compensation under the 1995 Regulations. A waiver of this right will not affect the employee's right to benefit under any other provision in regulation E5.

Regulation 4 amends the definition of full-time service in Schedule 1 to the 1992 Regulations so that such service need not be regular. The Regulation also inserts into the same Schedule a new definition of part-time service, so that such service no longer requires to be regular nor to subsist for at least 6 consecutive weeks. The effect of the whole Regulation is to extend eligibility for the Scottish Teachers' Superannuation Scheme.

These Regulations have retrospective effect. Retrospection is authorised by section 12(1) of the Superannuation Act 1972.