

SCHEDULE 16

Regulation H13

AMENDMENTS TO, AND MODIFICATIONS OF, THE TEACHERS'
SUPERANNUATION (CONSOLIDATION) REGULATIONS 1988

PART I—

AMENDMENTS TO REGULATION E29

1. After paragraph (1) there shall be inserted the following paragraph—

“(1A) In determining, for the purposes of paragraph (1), what are the best consecutive 365 days of the material part of the person’s average salary service, days on which the person is not in pensionable employment are disregarded.”.
2. For paragraph (2)(a) there shall be substituted—

“(a) any period spent by the person in pensionable employment”
3. After paragraph (5) there shall be inserted the following paragraphs—

“(5A) In determining the material part of a person’s average salary service periods when the person was not in pensionable employment shall be disregarded and accordingly the period of 3 years referred to in paragraph (5) may be discontinuous.

(5B) For the purposes of paragraphs (1A), (2)(a) and (5A) a person who is employed under a contract whereby that person is available for work but only undertakes (and accordingly is only paid for) work when, and for periods, requested by the employer is not treated as being in pensionable employment during periods when he is not undertaking work (whether or not such a person would be so treated apart from this paragraph).”.

PART II—

OTHER MODIFICATIONS

4. Where an election under regulation C2(1) of these Regulations has been made, regulation C8A shall have effect as if—
 - (a) the additional contribution included, as well as the amount referred to in paragraph (3), an amount equivalent to any contributions which would have been paid under regulation C3(3) of these Regulations for so much of the period as falls within the financial year in question taking the reference in that regulation to the person’s contributable salary as a reference to the notional salary disregarding the election under regulation C2(1) of these Regulations; and
 - (b) in determining, for the purposes of paragraph (4) the salary that would have been payable if pensionable employment has not ceased and the person had continued to be employed in the same post and on the same terms, the election under regulation C2(1) of these Regulations shall be taken into account.
5. Regulation E7(1) shall have effect as if—
 - (a) the reference to regulation C1(6) included a reference to regulation C2(1) of these Regulations; and
 - (b) the reference to the notional rate included a reference to the rate specified in regulation C2(4) of these Regulations.