
STATUTORY INSTRUMENTS

1999 No. 446 (S. 30)

EDUCATION, SCOTLAND

**The Teachers' Superannuation (Scotland)
Amendment Regulations 1999**

<i>Made</i>	- - - -	<i>15th February 1999</i>
<i>Laid before Parliament</i>		<i>26th February 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</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 consulting with representatives of education authorities and of teachers and with such representatives of other persons likely to be affected by the Regulations as appear 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 interpretation

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Scotland) Amendment Regulations 1999, and shall come into force on 1st April 1999.

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

Amendment of 1992 Regulations

2. The 1992 Regulations shall be amended in accordance with regulations 3 to 21 below.

Part-time service

3. For regulation B2 there shall be substituted the following regulation—

(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. 1992/280; amended by S.I. 1992/1025 and 1597, 1993/490 and 2513, 1994/1715 and 2699, 1995/840 and 1670, 1997/676 and 1998/718, 1644 and 2208.

“**B2.**—(1) Subject to paragraphs (2) and (3) and regulations B5 to B7, a part-time teacher is in pensionable employment where he is in part-time service in an employment specified in Schedule 2.

(2) A person is not in pensionable employment by virtue of paragraph (1) if, in respect of that employment, he is eligible to be an active member in accordance with the Local Government Pension Scheme (Scotland) Regulations 1998⁽⁴⁾.

(3) A part-time teacher who, immediately before 1st April 1999 was in part-time service in an employment specified in Schedule 2 and had not made an election for the purposes of this regulation (as in force before that date) in relation to that employment shall not be in pensionable employment unless he makes an election for the purposes of this regulation or enters a new employment specified in Schedule 2.

(4) An election for the purpose of this regulation may be made at any time by giving written notice to the Secretary of State and, unless paragraph (5) applies, shall have effect from the first day of the month after that in which the notice was given.

(5) If however the Secretary of State so specifies, the election shall have effect from an earlier date provided that the contributions payable under regulations C2A(2) and G9B(1) are paid to the Secretary of State by the date 6 weeks after the date of the demand under regulation C14(4A) or regulation G9B(2), as the case may be.

(6) In these Regulations “the back period” means the period between the date specified by the Secretary of State as the date from which the election shall have effect and the first day of the month after that in which the notice was given.”.

Accepted School

4. At the end of regulation B4(5)(c) there shall be added the words “, whether under these Regulations or under the Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1995⁽⁵⁾.”.

Contributions where an election under regulation B2(4) has been made

5. After regulation C2 there shall be inserted—

“Contributions where an election under regulation B2(4) has been made

C2A.—(1) This regulation applies where—

- (a) a teacher has elected under regulation B2(4) that his part-time employment should be pensionable; and
- (b) the Secretary of State has specified that the election shall have effect from an earlier date than the first day of the month after that in which the notice is given.

(2) Where this regulation applies the teacher shall—

- (a) pay the contributions calculated in accordance with regulation C2 referable to the back period; and
- (b) unless the Secretary of State determines otherwise, pay interest on such contributions which have accrued on each reference date, at 7% per annum compounded with yearly rests from the reference date in question to the date of payment of the contributions.

(3) For the purposes of this regulation—

(4) S.I. 1998/366.

(5) S.I. 1995/2814.

- (a) the first reference date is the date a year after the end of the month in which the beginning of the back period falls;
- (b) the next reference date is the date a year after the first reference date and each subsequent reference date is the date a year after the previous reference date; and
- (c) the contributions which have accrued on a reference date are the contributions which would be outstanding on that date if the teacher had been in pensionable employment during the back period and if contributions had not been paid in accordance with regulation C14.”.

Additional contributions for current period: service in a reserve force

6. In regulation C8A(6), for paragraphs (1) to (4) there shall be substituted—

“(1) This regulation applies to a teacher who ceases to be in pensionable employment by virtue of being called out or recalled for permanent service in Her Majesty’s armed forces in pursuance of a call-out notice or call-out order or a recall order made under the Reserve Forces Act 1996(7), provided that—

- (a) the teacher does not apply for payment of any retirement benefits to which he would otherwise be entitled on ceasing to be in such employment; and
- (b) he does not accrue any reckonable service in the Armed Forces Pension Scheme or become a member of any other occupational pension scheme during his period of permanent service.

(2) Subject to paragraphs (10) and (11), a teacher to whom this regulation applies may elect to pay additional contributions in order to become entitled to count as reckonable service a period (“the period”) beginning on the day after the cessation of the pensionable employment and ending with the date on which he is released from permanent service or discharged.

(3) An additional contribution is payable for each financial year and is—

- (a) 6% of the notional salary for so much of the period as falls within that financial year; and
- (b) where an election has been made under regulation C1A(1)(8), an amount equivalent to any contributions which would have been paid under regulation C2(1A)(9) for so much of the period as falls within that financial year taking the reference in that regulation to the teacher’s actual contributable salary as a reference to the notional salary disregarding the election under regulation C1A(1).

(4) The notional salary is the salary that would have been payable if pensionable employment had not ceased and the teacher had continued to be employed in the same post and on the same terms taking into account, where appropriate, any election under regulation C1A(1).”.

Deduction, payment and recovery of contributions

7. In regulation C14—

- (a) after paragraph (4) there shall be inserted—

(6) Regulation C8A was inserted by S.I. [1993/2513](#).

(7) [1996 c. 14](#).

(8) Regulation C1A was inserted by S.I. [1998/718](#).

(9) Paragraph (1A) of Regulation C2 was inserted by S.I. [1998/718](#).

“(4A) Any sum which is due under regulation C2A(2)(a) shall be paid to the Secretary of State on receipt of a written demand (without prejudice to the obligation to pay the sums referred to in regulation C2A(2)(b)).”; and

(b) in paragraph (6) for “C8” there shall be substituted “C2A, C8”.

Amount of retirement lump sum

8. For regulation E7 there shall be substituted—

“E7.—(1) Subject to paragraphs (2) and (3) and regulations E8 and E9, the amount of a teacher’s retirement lump sum shall be

$$A \times (B + C)$$

where—

A is 3/80ths of the teacher’s pensionable salary,

B is his effective reckonable service (except any falling within C), and

C is any period which he is entitled to count as reckonable service by virtue of regulation D3 (past added years for which additional contributions have been paid).

(2) If the teacher’s effective reckonable service is restricted by regulation E30(2), the part of his retirement lump sum that is attributable to service before he attained the age of 60 shall not exceed his pensionable salary multiplied by 1.5.

(3) Subject to paragraph (4), where a teacher who has become entitled to the payment of retirement benefits by virtue of regulation E5(1)(f) has ceased to be in pensionable employment or in excluded employment on or after 1st September 1997, the amount of the teacher’s retirement lump sum shall be the amount calculated in accordance with paragraphs (1) and (2) multiplied by the appropriate factor.

(4) Paragraph (3) shall not apply where notice to terminate the teacher’s employment was given, or his resignation was tendered, on or before 22nd October 1996.

(5) For the avoidance of doubt, references in regulations E8 and E9 to “retirement allowances” and “retirement lump sum” are references to such benefits as calculated before any actuarial reduction required by paragraph (3).”.

Death gratuities

9. After regulation E19(7) there shall be inserted—

“(7A) Any nomination for the purposes of paragraph (7) shall be made by giving written notice to the Secretary of State.”.

Deficiency grants

10. After regulation E20(6) there shall be inserted—

“(6A) Any nomination for the purposes of paragraph (6) shall be made by giving written notice to the Secretary of State.”.

Nomination of beneficiaries

11. For regulation E22(3) there shall be substituted—

“(3) The eligible persons are—

- (a) a parent, brother or sister of the appointor who is not married and is either widowed or has never been married; and
- (b) a widowed step-parent of the appointor.”.

Entitlement to short-term family benefits

12. After regulation E23(4)(a) there shall be inserted–

- “(aa) to a nominated beneficiary who, at the date of the deceased’s death, was not wholly or mainly financially dependent on the deceased; or”.

Entitlement to long-term family benefits

13. For regulation E25(5)(b) there shall be substituted–

- “(b) if a nomination under regulation 65 of the 1977 Regulation or under regulation E22 had effect at the date of death, a long-term pension shall be payable to the nominated beneficiary provided that he was wholly or mainly financially dependent on the deceased at that date; and”.

Pensionable salary

14. In regulation E29(10) for paragraph (13) there shall be substituted–

“(13) Subject to paragraph (14), where at any time during the material part of a teacher’s terminal service a teacher has received an increase in his contributable salary such that–

$$\left(\frac{B}{A} - 1 \right) \times 100 - C - 10$$

is greater than zero where–

A is the teacher’s salary before the increase (or, in the case where the teacher has previously received an increase in salary such as is mentioned in this paragraph but no election under regulation G10(1D) is made, the salary which the teacher before the increase is treated as receiving in accordance with the provision of this paragraph),

B is the teacher’s salary after the increase, and

C is the standard increase of salary (expressed as a percentage),

the teacher shall be treated as having received an increase in his contributable salary such that his salary after the increase is–

$$A \left(1 + \frac{C+10}{100} \right)$$

unless an election is made under regulation G10(1D) to pay the additional contribution referred to in that regulation.

(14) Paragraph (13) does not apply–

- (a) in relation to a teacher who becomes entitled to the payment of retirement benefits by virtue of regulation E5(1)(e);
- (b) for the purpose of calculating–
 - (i) a death gratuity under regulation E19, or
 - (ii) a pension payable under regulation E26 (spouses' and nominated beneficiaries' long-term pensions) or E27 (children’s long-term pensions) in relation to a teacher who died while in pensionable employment;

(10) Regulation E29 was substituted by S.I. 1998/718.

- (c) to any increase in contributable salary which was received while the teacher was employed by an employer other than the body which was the teacher's employer immediately before he became entitled to the payment of retirement benefits; or
 - (d) where the Secretary of State is satisfied that the increase in contributable salary was agreed on or before 5th October 1998⁽¹¹⁾.
- (15) For the purposes of paragraph (13), paragraph (14) and this paragraph—
- (a) where a teacher receives more than one increase in salary in a financial year the increases taken together shall be treated as one increase and accordingly, in paragraph (13), A is the teacher's salary before the first increase and B is the teacher's salary after the last increase;
 - (b) the material date is the date on which the increase of salary took effect;
 - (c) the standard increase of salary is the average percentage of the increases, if any, that would have been received on the material date by persons ("the comparable employees") who were employed at the school or establishment where the teacher in question was employed and whose circumstances corresponded most closely to those of that teacher or, if there were no comparable employees, by persons who were employed as teachers at that school or establishment or, if the comparable employees or the persons so employed as teachers (as the case may be) would have received no increases on that date, the next increases they would have received;
 - (d) where a body becomes a teacher's employer by virtue of any enactment regarding the transfer of staff or the transfer of rights and liabilities under a contract of employment that body and the teacher's previous employer shall be taken to be the same employer.
- (16) Where an election under regulation G10(1D) is made after the teacher becomes entitled to payment of retirement benefits the teacher shall, until the date on which the election is received by the Secretary of State, be entitled to retirement benefits calculated on the basis only of the contributable salary he is treated as receiving in the absence of such an election and accordingly as from the date on which the election is received by the Secretary of State the teacher shall become entitled to—
- (a) a lump sum payment equal to the difference between the retirement lump sum to which the teacher is entitled taking into account the election and the retirement lump sum previously paid to the teacher; and
 - (b) a retirement pension taking into account the election."

Interest on late payment of certain benefits

15. For regulation E31A⁽¹²⁾, there shall be substituted—

"E31A.—(1) Where all or any part of the benefits payable under this Part, other than a pension payable under regulation E23, is not paid within one month of the due date (other than in cases where the beneficiary has not accepted payment or has knowingly by his actions made payment impossible or impracticable), the Secretary of State shall pay to the person to whom the benefit is payable interest on the amount remaining unpaid at the base rate for the time being quoted by the reference banks.

(2) The interest referred to in paragraph (1) shall be calculated on a day to day basis from the due date to the date of payment, and compounded with three-monthly rests.

⁽¹¹⁾ This is the date on which the Secretary of State began his consultation on the proposals now enacted.

⁽¹²⁾ Regulation E31A was inserted by S.I. [1997/676](#).

(3) For the purposes of paragraph (1) the due date, where a benefit consists of a single payment, is—

- (a) in the case of a death gratuity under regulation E19 or a deficiency grant under regulation E20, the day after the date on which the Secretary of State has become satisfied that the benefit may be paid; and
- (b) in any other case, the date on which the person becomes entitled to the benefit.

(4) For the purposes of paragraph (1) the due date, in a case where a benefit does not consist of a single payment, is the last day of the month in which entitlement to the benefit took effect.

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

- (a) “the base rate” means the rate for the time being quoted by the reference banks as applicable to sterling deposits or, where there is for the time being more than one such base rate, the rate which, when the base rate quoted by each bank is ranked in a descending sequence of four, is the first in the sequence; and
- (b) “the reference banks” means the four largest institutions for the time being which—
 - (i) are authorised by the Bank of England under the Banking Act 1987⁽¹³⁾;
 - (ii) are incorporated in and carrying on within the United Kingdom a deposit-taking business (as defined in section 6, but subject to any order under section 7, of that Act); and
 - (iii) quote a base rate applicable to sterling deposits.”.

Employers' contributions – part-time elections

16. After regulation G9A⁽¹⁴⁾ there shall be inserted—

“Employers' contributions – part-time elections

G9B.—(1) Where regulation C2A applies, the employer of the teacher in pensionable employment shall—

- (a) pay contributions calculated in accordance with regulation G9 referable to the back period; and
- (b) unless the Secretary of State determines otherwise, pay interest on such contributions which have accrued on each reference date at 7% per annum, compounded with yearly rests from the reference date in question to the date of payment of the contributions, and in this paragraph expressions which are used also in regulation C2A have the same meaning as in that regulation.

(2) Any sum which is due under paragraph (1)(a) shall be paid to the Secretary of State on receipt of a written demand (without prejudice to the obligation to pay the sums referred to in paragraph (1)(b)).”.

Payment by employer to Secretary of State

17. In regulation G10—

- (a) after paragraph (1B)⁽¹⁵⁾ there shall be inserted—

⁽¹³⁾ 1987 c. 22.

⁽¹⁴⁾ Regulation G9A was inserted by S.I. 1998/718.

⁽¹⁵⁾ Paragraph (1B) was inserted by S.I. 1998/718.

“(1C) Where a teacher receives such an increase in contributable salary as is mentioned in regulation E29(13), the teacher’s last employer before he became entitled to payment of retirement benefits (“the former employer”) may make an election under paragraph (1D).

(1D) An election under this paragraph is an election to pay an additional contribution of **A•B•C**

where—

A is the actuarial value of the retirement benefits to which the teacher would be entitled calculated by reference to the salary he received,

B is the actuarial value of the retirement benefits to which the teacher would be entitled if he was treated as receiving the increase in his contributable salary referred to in regulation E29(13),

C is the aggregate of contributions which would be repaid under regulation H4A if no election had been made.

(1E) An election under paragraph (1D) may be made by giving written notice to the Secretary of State no later than six weeks after the date on which the teacher became entitled to payment of retirement benefits.

(1F) Where an election is made under paragraph (1D) the payment to the Secretary of State under the election shall be made within 14 days after the date of the election.”; and

(b) for paragraph (3) there shall be substituted—

“(3) If the full amount of any payment required under paragraph (1) or (1A) or under an election under paragraph (1D) is not paid by the end of the period referred to in the relevant paragraph, interest shall be payable by the employer or former employer, as the case may be, on the amount outstanding at 12% per annum compounded with monthly rests from the day after the end of the relevant period to the date of payment; but the Secretary of State may in any particular case waive the payment of interest.”.

Records and information

18. After regulation H3(2) there shall be inserted—

“(3) Without prejudice to paragraph (2) and subject to paragraph (4), a teacher who has become entitled to payment of retiring allowances and who takes up employment such as is described in regulation E15(1) shall—

(a) within 7 days of taking up such employment notify the Secretary of State of that fact giving details of the salary in the employment; and

(b) within 7 days of any change in salary notify the Secretary of State of that change.

(4) Paragraph (3) shall not apply where the teacher has attained the age of 70 or has had 45 years reckonable service.”.

Repayment of contributions where an election is not made under regulation G10(1D)

19. After regulation H4 there shall be inserted—

“Repayment of contributions where an election is not made under regulation G10(1D)

H4A.—(1) This regulation applies where—

(a) a teacher receives such an increase in contributable salary as is mentioned in regulation E29(13), but

- (b) no election under regulation G10(1D) has been made.
- (2) Where this regulation applies the Secretary of State shall repay—
 - (a) to the teacher who was in pensionable employment a sum equivalent to A-B, and
 - (b) to that teacher’s last employer before he became entitled to retirement benefits a sum equivalent to C-D.
- (3) In paragraph (2) above—
 - A is the aggregate of the contributions paid by the teacher under regulation C2, C3, C5 or C9 during the relevant period,
 - B is the aggregate of the contributions which would have been paid under regulation C2, C3, C5 or C9 during the relevant period if the teacher had actually received the salary which he was treated as having received under regulation E29(13),
 - C is the aggregate of contributions paid by the teacher’s employer under regulation G5 during the relevant period, and
 - D is the aggregate of the contributions which would have been paid by the teacher’s employer under regulation G5 during the relevant period if the teacher had actually received the salary which he was treated as having received under regulation E29(13),and in this paragraph the “relevant period” is the period which started when the teacher received the increase in contributable salary as mentioned in regulation E29(13) and ended when the teacher became entitled to the payment of retirement benefits.”.

Glossary of expressions

20. In Schedule 1, after the definition of “Approved superannuation scheme” there shall be inserted—

““Back period”	Shall be construed in accordance with regulation B2(6);”.
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Additional contributions to purchase past added years

21. In Schedule 4, in paragraph 9(2) for the words “became irrevocable under regulation C3(13)” there shall be substituted the words “was accepted”.

Transitional provision

22.—(1) This regulation applies where before 1st April 1999 a person had given a notice of election under regulation B2(3) of the 1992 Regulations (as in force before that date) and had requested before that date (whether in the notice of election or subsequently to it) that the Secretary of State should specify, as the date when the election has effect, a date earlier than the first day of the month following that in which he notifies the teacher of receipt of the notice of election.

- (2) In relation to the election mentioned in paragraph (1)—
 - (a) regulation B2(3) of the 1992 Regulations, as in force before 1st April 1999, shall continue to apply to determine when the election has effect;
 - (b) paragraphs (4) to (6) of regulation B2 of the 1992 Regulations, as substituted by regulation 3 of these Regulations, shall not apply;
 - (c) regulation C2A of the 1992 Regulations, as inserted by regulation 5 of these Regulations, shall not apply;

- (d) the amendments to regulation C14 of the 1992 Regulations made by regulation 7 of these Regulations shall not apply;
- (e) regulation G9B of the 1992 Regulations, as inserted by regulation 16 of these regulations, shall not apply.

Right to opt out

23.—(1) This regulation shall apply in the case of any person (“a relevant beneficiary”) to whom any benefit is or may become payable, being a benefit (“a relevant benefit”) being paid or which may become payable under the 1992 Regulations to or in respect of a teacher who before 1st April 1999—

- (a) ceased to be in pensionable employment; or
- (b) died while still in such employment.

(2) If, in relation to a relevant benefit, a relevant beneficiary—

- (a) would be placed in a worse position than he would have been in if a provision made by these Regulations (“the relevant provision”) had not applied in relation to the relevant benefit, and
- (b) so elects, by notice in writing given to the Secretary of State before 1st October 1999,

then, in relation to that benefit, the 1992 Regulations shall have effect as if the relevant provision had not been applied to the relevant benefit.

(3) If an election under paragraph (2) is made in relation to a relevant benefit of a teacher who is in pensionable employment or who subsequently becomes re-employed in pensionable employment—

- (a) the election shall have effect in relation to a relevant benefit only to the extent that it accrues or has accrued by virtue—
 - (i) of periods of reckonable service before the cessation referred to in paragraph (1) (or, if there had been more than one cessation, the last of them before 1st April 1999); or
 - (ii) of contributions paid in respect of such periods of reckonable service; and
- (b) in determining entitlement to, or to the amount of, the benefit to that extent he shall be treated as if he had never re-entered pensionable employment again at any time after the cessation referred to in paragraph (1) (but without prejudice to the application of this paragraph),

and the 1992 Regulations shall apply accordingly.

St Andrew’s House,
Edinburgh
11th February 1999

Helen Liddell
Minister of State, Scottish Office

We consent

15th February 1999

Clive Betts
Jim Dowd
Two of the Lords Commissioners of Her
Majesty's Treasury

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Teachers' Superannuation (Scotland) Regulations 1992 ("the 1992 Regulations").

Regulation 3 amends regulation B2 of the 1992 Regulations so as to extend to part-time teachers the automatic membership provisions which apply to full-time teachers. Teachers who take up a part-time post on or after 1st April 1999 will be taken automatically into the Scottish teachers' pension scheme unless and until they opt out. Part-time teachers in post before that date, who had not already elected to join, will continue to be able to join the scheme, but will not become members automatically unless they take up a new employment on or after 1st April 1999. (The substituted regulation B2(2) re-enacts, with clarification, the provision that part-timers who are entitled to be members of the local government scheme may not be members of the teachers' scheme in respect of the same employment).

Regulation 3, along with regulations 5, 7 and 16, also inserts provisions whereby, if a person elects that part-time employment is to be pensionable and if the election has effect from a date earlier than the first day of the month in which it was given, interest may be payable on back contributions. The amendments further provide that, if back contributions and interest are not paid within 6 weeks of a demand, the election will not have effect from the earlier date. Regulation 20 makes a consequential amendment to the glossary of expressions contained in Schedule 1. Regulation 22 disapplies these amendments where the election was made before 1st April 1999 and before that date a request was made to the Secretary of State to specify the earlier date from which the election should have effect.

Regulation 4 amends regulation B4(5)(c) of the 1992 Regulations to specify failure to pay contributions under the Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1995 as a further ground for withdrawal of "accepted school" status from an independent school.

Regulation 6 amends regulation C8A of the 1992 Regulations which allows a person who is called into service in a reserve force to pay contributions for a current period. As amended, regulation C8A applies to persons who are called up under a call-out notice or under a call-out order or recall order under the Reserve Forces Act 1996.

Regulation 8 substitutes regulation E7 of the 1992 Regulations. The effect of the new provision is to amend the formula for calculating a teacher's retirement lump sum, so that service before 1st October 1956 is now treated in the same way as service undertaken on or after that date.

Regulations 9 and 10 provide for nominations of persons to receive death gratuities or deficiency grants to be in writing.

Regulation 11 amends regulation E22(3) of the 1992 Regulations which identifies who is eligible to be nominated to receive a pension. A parent or brother or sister of the appointor must now either be widowed or never have been married in order to be eligible to be a nominated beneficiary.

Regulations 12 and 13 amend regulations E23(4) and E25(5) of the 1992 Regulations respectively to provide that a short-term and long-term pension may be paid only to a nominated beneficiary who was wholly or mainly dependent on the deceased at the date of his death.

Regulation 14 amends regulation E29(13) of the 1992 Regulations, making new provision in a case where, in any financial year during the terminal period, a person has received an increase in contributable salary which is greater than 10% more than the "standard increase" (as defined). In such circumstances, the person will be treated for pension purposes as having received a salary increase

of 10% more than the standard increase unless the person's employer elects to pay an additional contribution under regulation G10(1D), as inserted by regulation 17. The additional contribution is the actuarial difference between retirement benefits based on the actual contributable salary and such benefits based on the contributable salary as if the person had received a salary increase of only 10% more than the standard increase. Regulation 19 provides for repayment of certain contributions where a person received an increase in salary as mentioned in regulation E29(13) but no election under regulation G10(1D) is made. The limit on salary increases does not apply where the Secretary of State is satisfied that the increase was agreed before 5th October 1998 (the date of consultation on the amendment).

Regulation 15 replaces regulation E31A of the 1992 Regulations which provides for interest to be payable on late payment of certain benefits. The main change is to alter the rate at which interest is paid from 1% above base rate to base rate. There is also a minor change to the definition of "base rate".

Regulation 18 amends regulation H3 of the 1992 Regulations by inserting provision requiring a person in receipt of a teacher's pension to notify the Secretary of State of any return to teaching employment including the salary, and any change in salary, in that employment.

Regulation 21 makes a minor correction to paragraph 9(2) of Schedule 4 to the 1992 Regulations to take account of the fact that an election to pay additional contributions to purchase past added years is no longer irrevocable.

Regulation 23 provides for a right to opt out of the amendments for any person to whom a benefit is or may become payable, if that person is placed in a worse position than he would be in if the amendments had not been made and the benefit is payable to or in respect of a person who had left employment before the date on which these Regulations come into force or who had died before that date.