

SCHEDULE 9

MODIFIED APPLICATION IN CERTAIN CASES

PART I

NATIONAL INSURANCE MODIFICATION OF PENSIONS

Classification of teachers

2.—(1) For the purposes of this Part—

(a) “existing teacher” means—

- (i) a teacher who was employed in pensionable employment at any time before 1st July 1948 whether or not his or her contributions in respect of that employment were returned to him or her; or
- (ii) a teacher who before 1st March 1948 had completed a course approved for the purposes of this Part by the Scottish Ministers (“an approved course”) or was engaged on an approved course, or had been accepted or provisionally accepted for an approved course, or had applied to be accepted for and had as a result of that application subsequently become engaged on an approved course and had entered pensionable employment within 6 months of completing the said approved course;

(b) “new entrant teacher” means either—

- (i) a teacher who enters pensionable employment for the first time on or after 1st July 1948; or
- (ii) a teacher to whom sub-paragraph (a) applies and who makes an election under sub paragraph (3).

(2) An existing teacher shall be unmodified, that is to say, shall be a teacher to whom the national insurance modifications do not apply; and a new entrant teacher shall be modified, that is to say, shall be a teacher to whom the national insurance modifications apply.

(3) An existing teacher in pensionable employment on 1st July 1948 shall remain unmodified unless he or she elected on or before 30th September 1948 to be modified or, if he or she is not in pensionable employment on 1st July 1948, so elects within 3 months after the date on which he or she first enters or re-enters pensionable employment; notice so given is irrevocable.

(4) Where a teacher was employed in comparable British service, or in other employment in respect of which a transfer value has been received, he or she shall on entering pensionable employment retain the classification which in the opinion of the Scottish Ministers corresponds to his or her classification in his or her former pension or superannuation scheme, and where his or her classification has not been so determined the provisions of sub paragraph (3) shall apply to him or her so they apply to a teacher who was not in pensionable employment on 1st July 1948.