



Superannuation Act 1972

1972 CHAPTER 11

Teachers

9 Superannuation of teachers.

(1) The Secretary of State may, by regulations made with the consent of the Minister, make provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the regulations, are to be, or may be, paid [^{F1}to or in respect of teachers by the Secretary of State or, in the case of injury benefit, by the Secretary of State, an employer of teachers or such other person as the Secretary of State may consider appropriate and may specify in the regulations.]

[^{F2}(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).]

(2) Without prejudice to the generality of subsection (1) above, regulations under this section—

- (a) may include all or any of the provisions referred to in Schedule 3 to this Act; and
- (b) may make different provision as respects different classes of persons and different circumstances.

[^{F3}(2A) Where regulations under this section make provision with respect to money purchase benefits, they may also—

- (a) include provision enabling a person to elect for such money purchase benefits as are to be provided to or in respect of him under the regulations to be purchased from any authorised provider whom he may specify; and
- (b) notwithstanding subsection (1) above, provide that the making of such an election shall have the effect, in such cases as may be specified in the regulations, of discharging any liability of the Secretary of State to pay those benefits to or in respect of that person;

but no regulations under this section shall be so framed as to have the effect that any money purchase benefits to be provided under them may only be provided in a manner which discharges that liability of the Secretary of State.]

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- (3) Where the regulations provide for the making of any such payment as is referred to in paragraph 3, 5 or 6 of the said Schedule 3, they may also provide for the payment to be made by the Secretary of State.
- [^{F4}(3A) Notwithstanding anything in the ^{M1}Pensions (Increase) Act 1971, regulations under this section may provide that the cost of increases under that Act of such of the pensions, allowances or gratuities payable under the regulations as may be prescribed by the regulations, or such part of those increases as may be so prescribed, shall be defrayed—
- (a) by contributions from employers of teachers or from such other persons or classes of person (apart from teachers) as the Secretary of State may consider appropriate and may specify in the regulations; or
 - (b) by contributions from such of those employers or other persons as may be so specified;
- and any provisions of the said Act of 1971, or of regulations made under section 5 thereof, relating to liability for the cost of increases under that Act of pensions, allowances or gratuities payable under the regulations shall have effect subject to the provisions of any regulations made by virtue of this subsection and for the time being in force.]
- (4) Where regulations under this section provide for the establishment of a superannuation fund, the regulations may also provide for the payment by the Secretary of State—
- (a) of the administrative expenses of the persons by whom, in accordance with the regulations, the fund is to be administered; and
 - (b) of such travelling, subsistence and other allowances to those persons as the Secretary of State may, with the consent of the Minister, determine.
- (5) Before making any such regulations the Secretary of State shall consult with representatives of [^{F5}local authorities, or, in Scotland, education authorities] and of teachers and with such representatives of other persons likely to be affected by the proposed regulations as appear to him to be appropriate.
- [^{F6}(5A) The powers exercisable by a [^{F7}local authority] or, in Scotland, an education authority, by virtue of—
- (a) section 111 of the ^{M2}Local Government Act 1972 (subsidiary powers of local authorities), or
 - (b) section 69 of the ^{M3}Local Government (Scotland) Act 1973 (similar provision for Scotland),
- shall be taken to include, and to have at all times included, power to pay, or arrange for the payment of, injury benefit to or in respect of teachers; but that section shall cease to confer any such power on an authority in either part of Great Britain as from the coming into force of the first regulations under this section which make provision for the payment of injury benefit by such an authority to or in respect of teachers in that part.]
- (6) In this section
- [^{F8}[^{F9}“authorised provider” has the meaning given in section 1]
 - [^{F10}“injury benefit” means a pension, allowance or gratuity payable under the regulation to or in respect of a teacher in consequence of any injury sustained, or disease contracted, by him in the course of his employment in that capacity:]

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[^{F11}“local authority” has the meaning given by section 579(1) of the Education Act 1996;]

“money purchase benefits” has the meaning given by [^{F12}section 181(1) of the Pension Schemes Act 1993];]

“teachers” includes such persons as may be prescribed by regulations made under this section, being persons employed otherwise than as teachers—

(a) in a capacity connected with education which to a substantial extent involves the control or supervision of teachers; or

(b) in employment which involves the performance of duties in connection with the provision of education or services ancillary to education.

^{F13}(7)

Textual Amendments

- F1** Words substituted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 11(1)**
- F2** [S. 9\(1A\)](#) inserted (1.4.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), **Sch. 8 para. 9** (with [Sch. 11 para. 8](#)); S.I. 2014/839, art. 4(2)(d)
- F3** [S. 9\(2A\)](#) inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 8(3)**
- F4** [S. 9\(3A\)](#) inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 4(1)**
- F5** Words in s. 9(5) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 27(2)**
- F6** [S. 9\(5A\)](#) inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 11(2)**
- F7** Words in s. 9(5A) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 27(3)**
- F8** Definitions inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 8(4)**
- F9** s. 9(6): definition of “authorised provider” substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 107**
- F10** Definition inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 11(3)**
- F11** Words in s. 9(6) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 27(4)**
- F12** Words in definition of “money purchase benefits” in s. 9(6) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 7** (with s. 6(8)); S.I. 1994/86, **art. 2**
- F13** [S. 9\(7\)](#) repealed (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 27\(5\)](#), **Sch. 3 Pt. 2**

Modifications etc. (not altering text)

- C1** [S. 9](#) extended (1.1.1993) by S.I. 1992/3218, reg. 82(1), **Sch. 10 para. 5**
[S. 9](#) extended (1.1.1996) by S.I. 1995/3275, reg. 57, **Sch. 10 Pt. I para. 1**
- C2** Ss. 7-10, 11(2), 12, 15(5), 16, 24: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with [art. 7](#)); S.I. 1998/3178, **art. 3**

Marginal Citations

- M1** 1971 c. 56
- M2** 1972 c. 70
- M3** 1973 c. 65

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