
 STATUTORY INSTRUMENTS

1984 No. 2028 (S. 159)

EDUCATION, SCOTLAND

**The Teachers' Superannuation (Scotland) Amendment
Regulations 1984**

<i>Made - - - -</i>	17th December 1984
<i>Laid before Parliament</i>	14th January 1985
<i>Coming into Operation</i>	4th February 1985

In exercise of the powers conferred on me by sections 9 and 12 of the Superannuation Act 1972 (a) and of all other powers enabling me in that behalf, after consulting with representatives of education authorities and of teachers and with such representatives of other persons likely to be affected as appear to me to be appropriate in accordance with section 9(5) of the said Act and with the consent of the Treasury (b), I hereby make the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Teachers' Superannuation (Scotland) Amendment Regulations 1984, and the Teachers' Superannuation (Scotland) Regulations 1977 to 1980(c), Part V of the Teachers' Superannuation (War Service, Etc.) (Scotland) Regulations 1983(d), the Teachers' Superannuation (Scotland) Amendment Regulations 1983(e) and these regulations may be cited together as the Teachers' Superannuation (Scotland) Regulations 1977 to 1984.

(2) These regulations shall come into operation on 4th February 1985 and shall have effect—

- (a) for the purposes of regulations 5 and 11 as from 7th September 1977;
- (b) for all other purposes as from 4th February 1985.

Interpretation

2. In these regulations a reference to "the principal regulations" is a reference to the Teachers' Superannuation (Scotland) Regulations 1977(f).

Definitions

3. In regulation 3 of the principal regulations in the definition of "child" after the words "disqualifying income;" there shall be inserted the words "or a person who has not attained the age of 19 and who is not engaged in remunerative full-time work and who is not entitled to supplementary benefit by reason that he is treated as receiving relevant education for the purposes of section 6(2) of the Supplementary Benefits Act 1976(g);".

(a) 1972 c.11.

(b) The function was transferred to the Treasury by S.I. 1981/1670.

(c) S.I. 1977/1360, 1808, 1978/1507, 1980/344.

(d) S.I. 1983/639.

(e) S.I. 1983/1431.

(f) S.I. 1977/1360, amended by S.I. 1977/1808, 1978/1507, 1980/344, 1983/639, 1431.

(g) 1976 c.71; section 6(2) was amended by section 6(1) of and Part I of Schedule 2 to, the Social Security Act 1980 (c.30).

Reckonable service

4. In regulation 4(1) of the principal regulations sub-paragraph (f) shall be deleted and sub-paragraph (g) shall be renumbered "(f)".

Pensionable salary

5. In regulation 8(5) of the principal regulations in the definition of "salary" there shall be inserted after the word "salary" the following words:—

"in relation to a teacher whose salary is reduced during absence on sick or maternity leave means salary at the annual rate at which it would have been paid but for such reduction, and".

Calculation where reckonable service is less than 20 years

6. In regulation 50(c) of the principal regulations after the figure "60" there shall be inserted the following words:—

"or ceases to be employed in reckonable service in such circumstances as regulation 46(2)(c) applies".

Allocation of annual pension

7. After regulation 53(7) of the principal regulations there shall be inserted the following paragraph:—

"(8) Where a teacher, having given notice of his intention to retire within four months, delivers a declaration under this regulation to the Secretary of State on or after 4th February 1985 and thereafter the annual pension to which the declaration refers is increased, apart from an increase under the Pensions Increase Act 1971 (a), the amount allocated shall be increased by the same proportion as the increase in the annual pension bears to the former amount of the pension, the result being rounded down to the nearest pound; and the amount of the pension payable to the teacher shall be reduced by the amount of the increased allocation and, in the case falling within paragraph (1)(b), the rate of annuity there mentioned shall be increased to take account of the increase in the amount allocated as from the date on which the increase in the pension takes effect; and on the subsequent death of the teacher the amount of the pension payable in accordance with his declaration shall similarly be increased."

Death gratuities

8.—(1) In regulation 57(1) of the principal regulations for the words "personal representatives" there shall be substituted the words "spouse, whom failing, to the legal personal representatives".

(2) In regulation 57(2) of the principal regulations for the words "personal representatives" there shall be substituted the words "spouse, whom failing, to the legal personal representatives".

Commutation of benefits

9.—(1) In paragraphs (1) and (2) of regulation 84A of the principal regulations the words "or family pension" shall be deleted.

(2) After regulation 84A(2) of the principal regulations there shall be inserted the following paragraph:—

(a) 1971 c.56.

“(3) Where a family pension, payable under these regulations, is an annual sum of an amount not exceeding £104 the Secretary of State may discharge his liability in respect thereof by the payment of a lump sum representing the capital value of that annual sum.”.

Payments in respect of deceased persons

10. In regulation 85 of the principal regulations for the sum of “£1,500” there shall be substituted the sum of “£5,000”.

Short-term pensions

11. In Tables 1 and 2 of Schedule 7 to the principal regulations in end columns “Rate of pension (all categories)” and “Rate of pension” respectively there shall be inserted after the words “reckonable service” the words—

“or, where on that date the teacher was absent on sick or maternity leave and the teacher’s salary was in consequence reduced, at the annual rate at which it would have been payable but for such reduction”.

Modification relating to National Insurance

12.—(1) In paragraph 13(a) of Schedule 12 to the principal regulations for the words “employed in” there shall be substituted the words “retired from”.

(2) After paragraph 13(b) of the said Schedule 12 for the words “such service as aforesaid” there shall be substituted the words “reckonable service”.

Revocations

13. The provisions of the enactments set out in columns (1) and (2) of the Schedule to these regulations are revoked to the extent indicated in column (3).

Right to opt out

14. No provision of these regulations shall apply to any person to whom at any time before 4th February 1985 any benefit including a return of contributions was or may become payable if—

- (a) he is placed by that provision in a worse position than he would have been in if it had not applied in relation to that benefit; and
- (b) that provision relates to a benefit paid or payable in respect of a person who—
 - (i) ceased before 4th February 1985 to be in reckonable service; or
 - (ii) died before that date while employed in reckonable service; and
- (c) the person first mentioned in this regulation elects by giving notice in writing to the Secretary of State within 6 months after 4th February 1985, that the provision shall not apply to him.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House, Edinburgh.
12th December 1984.

We consent,

John Major,
A. G. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

17th December 1984.

SCHEDULE

REVOCATIONS

Column 1 <i>Legislation revoked</i>	Column 2 <i>References</i>	Column 3 <i>Extent of revocation</i>
The Teachers' Pensions (National Service) (Scotland) Rules 1952.	S.I. 1952/518.	The whole instrument.
Teachers' Superannuation (Scotland) Act 1968.	1968 c.12.	Section 13.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Teachers' Superannuation Regulations 1977. In so far as they do so with retrospective effect, this is authorised by section 12(1) of the Superannuation Act 1972. In addition to certain corrections and clarification, the following changes are made.

The definition of "child" in regulation 3 of the 1977 Regulations is amended to permit the extended payment of child pensions to school leavers up to the date on which they become entitled to claim supplementary benefit (regulation 3).

The reference to the Teachers' Pensions (National Service) (Scotland) Rules 1952 in regulation 4(1)(f) of the 1977 Regulations is removed as these provisions are spent (regulations 4 and 13).

Regulation 8(5) and Tables 1 and 2 of Schedule 7 of the 1977 Regulations are amended to require the "pensionable salary" of a teacher for superannuation purposes and the rate of a short term pension to be based on full salary without any deduction to reflect a deduction in that salary during sick or maternity leave (regulations 5 and 11).

Regulation 50(c) of the 1977 Regulations is amended to take account of premature retirement for the purposes of calculating awards where reckonable service is less than 20 years (regulation 6).

Regulation 53 of the 1977 Regulations enables a teacher to allocate a portion of the annual allowance payable on his retirement to provide benefits for his widow or other dependant. Provision is made for the amount of allocation to be automatically increased in line with any increase (except an increase under the Pensions (Increase) Act 1971) in the amount of the allowance, with a corresponding increase in the amount of the benefits payable (regulation 7).

Regulation 57 of the 1977 Regulations is amended to clarify the position that where a death gratuity is payable it is paid first to a surviving spouse (where the marriage was extant at date of death) or the legal personal representative(s) where there is no spouse (regulation 8).

Regulation 84A of the 1977 Regulations is amended to increase the commutation level on personal benefits and to distinguish between personal and family benefits (regulation 9).

Regulation 85 of the 1977 Regulations permits payment to be made, without probate or other proof of title, of any sum due under those regulations not exceeding £1,500. This figure is increased to £5,000 in relation to deaths occurring after 4th February 1985 (regulation 10). This increase is in accordance with the provisions of the Administration of Estates (Small Payments)(Increase of Limit) Order 1984 (S.I. 1984/539).

Schedule 12 to the 1977 Regulations is revised to cover the situation of bare equivalent pension benefits (regulation 12).

Section 13 of the Teachers' Superannuation (Scotland) Act 1968 is revoked; this power to pay deferred annuities is superseded by the provisions of the Superannuation Act 1972 (regulation 13).

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