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STATUTORY INSTRUMENTS

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**2000 No. 2431**

**EDUCATION, ENGLAND AND WALES**

**The Teachers' Pensions (Amendment No. 2) Regulations 2000**

*Made* - - - - *8th September 2000*  
*Laid before Parliament* *11th September 2000*  
*Coming into force* - - *2nd October 2000*

The Secretary of State for Education and Employment, in exercise of the powers conferred by sections 9 and 12 of, and Schedule 3 to, the Superannuation Act 1972<sup>(1)</sup>, after consulting with representatives of the local education authorities, teachers and other persons likely to be affected in accordance with section 9(5) of that Act, and with the consent of the Treasury<sup>(2)</sup>, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Teachers' Pensions (Amendment No. 2) Regulations 2000 and shall come into force on 2nd October 2000.

(2) In these Regulations “the principal Regulations” means the Teachers' Pensions Regulations 1997<sup>(3)</sup>.

**Amendment of principal Regulations**

2. The principal Regulations shall be amended in accordance with regulations 3 to 7.

3. In regulation A3(1)(c) from the words “within the meaning of” to the end of the paragraph there shall be substituted the words—

“within the meaning of regulation B3A(1), in connection with—

- (i) the performance of the functions which it performs on behalf of,
- (ii) the exercise of the functions of, or
- (iii) the provision of services for the purposes of or in connection with the exercise of a function of,

the local education authority.”

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(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. 1997/3001, amended by S.I. 1998/2255, 1999/607 and 2000/665.

4. In regulation B1(1)(c) for the words from “in the performance of” to the end of the paragraph there shall be substituted the words—

“within the meaning of regulation B3A(1), in connection with—

- (i) the performance of the functions which it performs on behalf of,
- (ii) the exercise of functions of, or
- (iii) the provision of services for the purposes of or in connection with the exercise of functions of,

the local education authority.”.

5. In regulation E4(4) for the words from “regulation 10(2) or (10)” to the end of the paragraph there shall be substituted the words—

“regulation 5(1)(b) or (c), or regulation 9(1)(a) of the Education (Restriction of Employment) Regulations 2000(4) by reason of that person’s misconduct on the grounds mentioned in paragraph (b) (misconduct) or paragraph (c) (not a fit and proper person) of section 218 (6ZA) of the Education Reform Act 1988(5) to direct that he be not appointed to or employed in relevant employment as defined in regulation 4 of those Regulations.”.

6. In regulation E4(8)(b), for the words “regulation 10(2) or (10) of the Education (Teachers) Regulations 1993” there shall be substituted the words “regulation 5(1)(b) or (c), or regulation 9(1) (a) of the Education (Restriction of Employment) Regulations 2000”.

7. In Schedule 1 for the definition of “Function provider”(6) there shall be substituted the following definition—

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““Function provider”

A body corporate (other than another local education authority) which—

- (a) provides any services referred to in a best value arrangement,
- (b) is nominated to exercise a function specified in a direction made under section 15 of the Local Government Act 1999(7), or
- (c) is specified in a direction made under section 497A of the 1996 Act(8) to perform a function,

and “best value arrangement” means a contract or other arrangement made with a local education authority for the provision of, or making available of, services for the purposes of or in connection with the exercise of a function of that local education authority.”.

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(4) S.I. 2000/2419.

(5) 1988 c. 40; section 218(6ZA) was inserted by section 5(2) of the Protection of Children Act 1999 (c. 14).

(6) The definition of “Function provider” was inserted by regulation 34 of S.I. 2000/665.

(7) 1999 c. 27.

(8) Section 497A was inserted by section 8 of the School Standards and Framework Act 1998, c. 31.

5th September 2000

*Estelle Morris*  
Minister of State,  
Department for Education and Employment

We consent

8th September 2000

*Jim Dowd*  
*Greg Pope*  
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.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Teachers' Pensions Regulations 1997 (“the principal Regulations”).

The Regulations amend the definition of “Function provider” in Schedule 1 to include a body which provides services to a local education authority and by specifying the circumstances in which a body may exercise functions on behalf of a local education authority. Consequential amendments are made to regulations A3(1)(c) and B1(1)(c) of the principal Regulations (*regulations 3, 4 and 7*).

Amendments are made to regulation E4(4) and (8) of the principal Regulations as a consequence of the Education (Restriction of Employment) Regulations 2000 so that a teacher falling within Case C remains disentitled to retirement benefits where the Secretary of State has not informed him that his employment has not been restricted or considered for restriction by reason of misconduct (*regulations 5 and 6*).