STATUTORY INSTRUMENTS

1961 No. 504 (S. 27)

NATIONAL INSURANCE

The National Insurance (Modification of Teachers Superannuation) (Scotland) (No. 2) Regulations, 1961

Made - - - -	17*th March*, 1961
Laid before Parliament	24*th March*, 1961
Coming into Operation	3*rd April*, 1961

Whereas the Treasury have determined under subsection (4) of section 69 of the National Insurance Act, 1946(**a**), that the Secretary of State is the appropriate Minister to make regulations under that subsection to modify the provisions of the Education (Scotland) Act, 1946(**b**), the Teachers (Superannuation) (Scotland) Regulations, 1957(**c**), and other instruments relating to the superannuation of teachers employed in connection with education in Scotland:

Now therefore in exercise of the powers conferred on me by the said subsection (4), as extended by section 15 of the National Insurance Act, 1959(**d**), I hereby make the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the National Insurance (Modification of Teachers Superannuation) (Scotland) (No. 2) Regulations, 1961, and shall come into operation on the third day of April, 1961.

Interpretation

2.—(1) In these Regulations

(*a*) the following expressions shall have the meanings respectively which they have for the purposes of the National Insurance Act, 1959—

" graduated retirement benefit "

" non-participating employment "

" payment in lieu of contributions " ;

(*b*) " participating employment " means any employment in respect of which a person is liable to pay graduated contributions under the National Insurance Act, 1959, or would be liable to pay such contributions if his remuneration exceeded the amount first mentioned in paragraph (*b*) of subsection (1) of section 1 of that Act ; and

(*c*) " the Regulations of 1957 " mean the Teachers (Superannuation) (Scotland) Regulations, 1957.

(2) References in these Regulations to any enactment, regulations or other instrument shall, except when the context otherwise requires, be construed as references to the enactment, regulations or other instrument as amended by or under any other enactment, regulations or other instrument, including these Regulations.

(3) The Interpretation Act, 1889(**e**), applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 9 & 10 Geo. 6. c. 72.
(**c**) S.I. 1957/356 (1957 I, p. 733). (**d**) 7 & 8 Eliz. 2. c. 47. (**e**) 52 & 53 Vict. c. 63.

Modification of the Education (Scotland) Act, 1946

3. The following subsection shall be inserted in section one hundred and three of the Education (Scotland) Act, 1946 (which relates to contributions towards benefits under the Teachers (Superannuation) (Scotland) Regulations) after subsection (3) thereof:—

(3A) The amounts payable by the teacher and his employer under subsection (1) of this section, as reduced under the last foregoing subsection if appropriate, shall in respect of any period of service which is participating employment each be reduced by amounts calculated in accordance with the annual rate specified in the following table.

Table

Annual rate of salary	*Annual rate of reduction of contributions*
	£ s. d.
Up to £468	Nil
Over £468 but not exceeding £520	8 0
Over £520 „ „ „ £572	1 5 0
Over £572 „ „ „ £624	2 2 0
Over £624 „ „ „ £676	2 19 0
Over £676 „ „ „ £728	3 16 0
Over £728 „ „ „ £780	4 13 0
Over £780	5 2 0

Modifications of the Teachers (Superannuation) (Scotland) Regulations, 1957

4. The following proviso shall be added to paragraph (3) of Regulation 20 of the Regulations of 1957 (which relates to the retirement of teachers to whom Part III of the Regulations applies):—

Provided that notwithstanding the ending of payment of the pension there shall in respect of first class service after the second day of April, 1961, which is non-participating employment within the meaning of the National Insurance Act, 1959, be payable to the teacher from the age of sixty-five, in the case of a man, and from the age of sixty, in the case of a woman, a pension of an amount not less than the graduated retirement benefit which would be payable in terms of paragraph (*d*) of subsection (1) of section 8 of that Act.

5. The following Regulation shall be inserted in the Regulations of 1957 after Regulation 22 thereof:—

22A.—(1) Except as in this Regulation provided, the pension payable under Regulation 21 to a teacher who has attained the age of sixty-five years, if a man, or sixty years, if a woman, and in the calculation of whose pension there has been taken into account either—

(*a*) any period of participating employment during which salary was at a rate exceeding £780 a year, or

(*b*) any period in respect of which a payment in lieu has been made under the National Insurance Act, 1959,

shall be reduced for each year of such period and proportionately for part of a year, by £2·31, in the case of a man, and by £1·92 in the case of a woman.

(2) Except as in this Regulation provided, the pension payable under Regulation 21 to a teacher who has attained the age of sixty-five years, if a man, or sixty years, if a woman, and in the calculation of whose pension there has been taken into account any period of participating employment during which salary was at a rate not exceeding £780, shall be reduced, for each year of such period and proportionately for part of a year, by the appropriate amount specified in column (2) of the Seventh Schedule opposite to the salary rate of the teacher in the year.

(3) Where—

(*a*) in respect of a teacher a period of participating employment or a period in respect of which a payment in lieu of contributions has been made under the National Insurance Act, 1959, is reckoned as first class service by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), or of Regulations made under either subsection (1) of section 67 of the National Health Service Act, 1946(**b**), or subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947(**c**), and

(*b*) the Secretary of State is informed of the amount by which his pension under the pension scheme to which he was subject before ceasing the former employment would have been reduced in connection with the operation of the National Insurance Act, 1959, by reason of that period if the former employment had continued, or of the method of calculating such reduction—

the amount of any pension payable to that teacher from the age of sixty-five, in the case of a man, or from the age of sixty, in the case of a woman, shall be reduced by that amount or by an amount calculated in accordance with that method, as the case may be, and no reduction shall be made under the provisions of paragraphs (1) or (2) of this Regulation in respect of that period.

(4) No reduction in the amount of a pension shall be made under paragraphs (1) or (2) of this Regulation in respect of any period which is deemed to be first class service under the provisions of Regulation 9 (which relates to periods of experience of value to teachers) or Regulation 12 (which relates to breaks in service).

6. The following proviso shall be substituted for proviso (ii) to paragraph (3) of Regulation 30 of the Regulations of 1957 (which relates to the resumption of service by retired teachers):—

(ii) where the teacher's pension has been reduced as provided in Regulation 22 or Regulation 22A the pension as so reduced shall be taken into account.

7. The following proviso shall be added to paragraph (3) of Regulation 40 of the Regulations of 1957 (which provides for allowances on retirement through infirmity):—

Provided that notwithstanding the ending of payment of the pension there shall in respect of first class service after 2nd April, 1961, which is non-participating employment within the meaning of the National Insurance Act, 1959, be payable to the teacher from the age of sixty-five, in the case of a man, and from the age of sixty, in the case of a woman, a pension of an amount not less than the graduated retirement benefit which would be payable in terms of paragraph (*d*) of subsection (1) of section 8 of that Act.

(**a**) 11 & 12 Geo. 6. c. 33. (**b**) 9 & 10 Geo. 6. c. 81. (**c**) 10 & 11 Geo. 6. c. 27.

8. The following Regulation shall be inserted in the Regulations of 1957 after Regulation 42 thereof :—

42A.—(1) Except as in this Regulation provided, the pension payable under Regulation 41 to a teacher who has attained the age of sixty-five years, if a man, or sixty years, if a woman, and in the calculation of whose pension there has been taken into account either—

(*a*) any period of participating employment during which salary was at a rate exceeding £780 a year, or

(*b*) any period in respect of which a payment in lieu has been made under the National Insurance Act, 1959,

shall be reduced for each year of such period and proportionately for part of a year by £2·31, in the case of a man, and by £1·92 in the case of a woman.

(2) Except as in this Regulation provided, the pension payable under Regulation 41 to a teacher who has attained the age of sixty-five years, if a man, or sixty years, if a woman, and in the calculation of whose pension there has been taken into account any period of participating employment during which salary was at a rate not exceeding £780, shall be reduced for each year of such period and proportionately for part of a year, by the appropriate amount specified in column (2) of the Seventh Schedule opposite to the salary rate of the teacher in the year.

(3) Where—

(*a*) in respect of a teacher a period of participating employment or a period in respect of which a payment in lieu of contributions has been made under the National Insurance Act, 1959, is reckoned as first class service by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948, or of Regulations made under either subsection (1) of section 67 of the National Health Service Act, 1946, or subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947, and

(*b*) the Secretary of State is informed of the amount by which his pension under the pension scheme to which he was subject before ceasing the former employment would have been reduced in connection with the operation of the National Insurance Act, 1959, by reason of that period if the former employment had continued or of the method of calculating such reduction—

the amount of any pension payable to that teacher from the age of sixty-five, in the case of a man, or from the age of sixty, in the case of a woman, shall be reduced by that amount or by an amount calculated in accordance with that method, as the case may be, and no reduction shall be made under paragraphs (1) or (2) of this Regulation in respect of that period.

(4) No reduction in the amount of a pension shall be made under paragraphs (1) or (2) of this Regulation in respect of any period which is deemed to be first class service under the provisions of Regulation 9 (which relates to periods of experience of value to teachers), Regulation 12 (which relates to breaks in service) or is treated as first class service under the provisions of the Teachers' Pensions (National Service) (Scotland) Rules, 1952(a).

(a) S.I. 1952/518 (1952 I, p. 928).

9. The following proviso shall be substituted for proviso (ii) to paragraph (6) of Regulation 54 of the Regulations of 1957 (which relates to the pensions of teachers resuming service) :—

(ii) where the teacher's pension has been reduced as provided in Regulation 42 or Regulation 42A the pension as so reduced shall be taken into account.

10. The Schedule set forth in the Schedule to these Regulations shall be added at the end of the Regulations of 1957.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
17th March, 1961.

SCHEDULE

SCHEDULE ADDED TO THE REGULATIONS OF 1957

SEVENTH SCHEDULE Regulations 22A and 42A

REDUCTION IN PENSIONS

Annual rate of salary during period (1)	*Reduction in pension for each whole year of period* (2)	
	Men £	*Women* £
Up to £468	Nil	Nil
Over £468 but not exceeding £520	·19	·16
Over £520 „ „ „ £572	·58	·48
Over £572 „ „ „ £624	·96	·80
Over £624 „ „ „ £676	1·35	1·12
Over £676 „ „ „ £728	1·73	1·44
Over £728 „ „ „ £780	2·12	1·76

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These Regulations modify certain provisions of the Education (Scotland) Act, 1946, relating to teachers' superannuation, and the Teachers (Superannuation) (Scotland) Regulations, 1957, in connection with the operation of the provisions of the National Insurance Act, 1959.

The Regulations provide that superannuation contributions payable by teachers and their employers under the Teachers Superannuation Scheme are to be reduced during periods of participating employment.

The Regulations provide for the reduction of pensions payable under the Teachers Superannuation Scheme where any service reckonable for the pension also qualifies the teacher for graduated retirement benefit under the Act of 1959.

The Regulations further provide that, notwithstanding the termination of a pension awarded on grounds on infirmity, there shall be payable to a man teacher on attaining the age of 65 and to a woman teacher on attaining the age of 60 who was in receipt of such a pension, pension benefits equivalent to those which would have been payable under the graduated scheme in respect of any period of first class service which was non-participating employment.