1965 No. 680 (S. 27)

EDUCATION, SCOTLAND

The Teachers (Superannuation) (Family Benefits) (Scotland) Regulations 1965

Made - - - -	*29th March* 1965
Laid before Parliament	*31st March* 1965
Coming into Operation	*1st April* 1965

ARRANGEMENT OF REGULATIONS

PART I

INTRODUCTION

Regulation

1. Citation, construction and commencement.

PART II

INTERPRETATION

2. Interpretation.
3. General definitions.

PART III

PROVISIONS APPLICABLE TO WIDOWS' AND CHILDREN'S PENSIONS

Contributors and Contributions

4. Interpretation for purposes of Part III.
5. Meaning of " contributor " for the purpose of Part III.
6. Rate of periodical contributions in respect of current service.
7. Date of ceasing to be a contributor.
8. Irrevocability of election to become a contributor.
9. Requirements and elections to pay for past service.
10. Lapsing of requirements and elections.
11. Re-assessment of contribution rate.
12. Appeals against re-assessed contribution rate.
13. Elections to pay for past service on re-entering Scheme.
14. Methods of payment for specified service.
15. Return of periodical contributions to unmarried contributors.
16. Return of periodical contributions to married contributors.
17. Cancellation of service on return of periodical contributions.
18. Repayment of periodical contributions returned.

Benefits

19. Entitlement to pension.
20. Pensions for widows.
21. Children for whose benefit pensions are payable.
22. Rates of children's pensions.
23. Incapacitated persons.

PART IV

PROVISIONS APPLICABLE TO DEPENDANTS' PENSIONS

Nominees and Contributions

24. Interpretation of Part IV.
25. Nominations.
26. Persons who may or may not be nominated.
27. Evidence of teacher's state of health.
28. Nominations being revoked or otherwise becoming void.
29. Periodical contributions.
30. Return of periodical contributions.

Benefits

31. Rates of pension.
32. Entitlement to pension.
33. Payment of pension.

PART V

ADMINISTRATION

34. Interpretation of Part V.
35. Constitution and procedure of the Board of Management.
36. Powers of the Board.
37. Establishment of Fund.
38. General Account and Investment Account.
39. Powers and duties of employing authorities.
40. Indemnity of members of the Board and other persons.
41. Powers of investment.
42. Accounts and audit.
43. Valuations of Fund.

PART VI

FINANCIAL AND GENERAL PROVISIONS

44. Limitation of amount of periodical contributions.
45. Deduction, collection and transmission of periodical contributions.
46. Calculation of interest on periodical contributions returned.
47. Deduction of Income Tax from periodical contributions returned.
48. Pensions of beneficiaries.
49. Provision of information.
50. Extension of time limits.

SCHEDULES

Schedule 1 Payment for specified service.

Schedule 2 Table referring to widowed mothers' pensions and widows' short-service pensions.

In exercise of the powers conferred upon me by sections 102 and 144(1) of the Education (Scotland) Act 1962(a) and Schedule 3 to that Act as amended by section 3(1) of the Education (Scotland) Act 1963(b) and section 1(2) of the Education (Scotland) Act 1965(c) and of all other powers enabling me in that behalf, and after consultation with representatives of education authorities and of teachers and with the approval of the Treasury, I hereby make the following regulations:—

PART I

INTRODUCTION

Citation, construction and commencement

1.—(1) These regulations may be cited as the Teachers (Superannuation) (Family Benefits) (Scotland) Regulations 1965.

(2) These regulations, the Teachers (Superannuation) (Scotland) Regulations 1957(d) (hereinafter referred to as "the Principal Regulations"), the Teachers (Superannuation) (Scotland) Rules 1957(e) (hereinafter referred to as "the Rules") and the Teachers (Superannuation) (Scotland) (Amendment No. 1) Regulations 1958(f) shall be construed as one and may be cited together as the Teachers (Superannuation) (Scotland) Regulations 1957 to 1965.

(3) These regulations shall come into operation on 1st April 1965.

PART II

INTERPRETATION

Interpretation

2.—(1) The Interpretation Act 1889(g) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

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

(3) Unless the context otherwise requires Regulation 1 and Regulation 2 of Part I of the Principal Regulations (which respectively relate to interpretation and contain definitions) and the Rules made thereunder shall apply to these regulations as they apply to the Principal Regulations.

(4) References in these regulations to a Regulation or to a Part or to a Schedule shall, unless the context otherwise requires, be construed as references to a Regulation of these regulations or to a Part of these regulations or to a Schedule annexed to these regulations, as the case may be.

(5) Any reference in these regulations to an adopted child of a person shall be construed as a reference to a child adopted by him (whether alone or jointly with any other person) in pursuance of an adoption order made under the Adoption Act 1958(h) or any corresponding enactment of the Parliament of Northern Ireland, or in process of being so adopted, or adopted, or in process of being adopted by him (whether alone or jointly with any other person) in accordance with the law of the place where he was domiciled at the time of

(a) 10 & 11 Eliz. 2. c. 47.
(b) 1963 c. 21.
(c) 1965 c. 7.
(d) S.I. 1957/356 (1957 I, p. 733).
(e) S.I. 1957/583 (1957 I, p. 786).
(f) S.I. 1958/1595 (1958 I, p. 1077).
(g) 52 & 53 Vict. c. 63.
(h) 7 & 8 Eliz. 2. c. 5.

the adoption or intended adoption and references to a person by whom a child has been adopted or is in process of being adopted shall be construed accordingly; and any reference to an adoption order made under the Adoption Act 1958 shall be construed as including a reference to any Act repealed by the Adoption Act 1958 or by the Adoption Act 1950(a) or to the corresponding provisions of any Act so repealed.

General definitions

3.—(1) In these regulations unless the context otherwise requires—

(*a*) " accounting year " means the period from 1st April in any year to 31st March in the next following year;

(*b*) " contributions for the purposes of the Main Scheme " means contributions payable by a teacher under the provisions of section 105 of the Education (Scotland) Act 1962;

(*c*) " contributor " has the meaning assigned to it by Regulation 5;

(*d*) " current service " means employment of a contributor in first class service on and after the date with effect from which Regulation 5 is first deemed to apply to him or is deemed again to apply to him and includes any period of first class service in respect of which periodical contributions have been repaid under the provisions of Regulation 18 and any period recorded as first class service under the provisions of Regulation 12 of the Principal Regulations;

(*e*) " Dependants' Scheme " means the Scheme constituted under the provisions of Part IV;

(*f*) " incapacitated " means incapable by reason of some specific bodily or mental disability of earning his own living;

(*g*) " Main Scheme " means the Superannuation Scheme for Teachers in Scotland constituted under the provisions of the Principal Regulations;

(*h*) " Main Scheme payments " means—

(i) a disablement gratuity granted under the provisions of Regulations 24 or 46 of the Principal Regulations; or

(ii) the lump sum of a retiring allowance granted under the provisions of Regulations 20(2)(*b*) or 40 of the Principal Regulations; or

(iii) the lump sum of a retiring allowance granted under the provisions of Regulations 20(2)(*a*) or 39 of the Principal Regulations; or

(iv) the sum of any death gratuity or supplementary death gratuity granted under the provisions of, as the case may be, Regulations 25, or 25 and 26, or 47, or 47 and 48 of the Principal Regulations; or

(v) the sum of the return of contributions to the personal representative of a teacher payable under the provisions of Regulations 28 or 51 of the Principal Regulations—

but does not include any payment paid or payable under the provisions of Regulations 27, 29, 50 or 52 of the Principal Regulations [as the case may be];

(*i*) " Method I " has the meaning assigned to it in Part I of Schedule 1;

(*j*) " Method II " has the meaning assigned to it in Part I of Schedule 1;

(*k*) " Method III " has the meaning assigned to it in Part I of Schedule 1;

(*l*) " past service " means employment of a contributor as defined in Regulation 5 in first class service before the date with effect from which the said Regulation 5 is first deemed to apply to him or employment in

(a) 14 Geo. 6. c. 26.

English teaching service or teaching service in Northern Ireland and includes any period recorded as first class service under the provisions of Regulation 9 of the Principal Regulations but does not include any period of service which has been treated as cancelled under the provisions of Regulation 17;

(*m*) " period of recognised absence " has the meaning assigned to it by Regulation 7(4);

(*n*) " periodical contributions " means contributions paid under the provisions of Part III or Part IV or under the provisions of Part III and Part IV and, in the case of contributions paid under the provisions of Part III, means contributions paid both in respect of current service as defined in paragraph 1(*d*) of this regulation and payment or part payment in respect of specified service as defined in Regulation 4;

(*o*) " prescribed day " means 1st April 1965;

(*p*) " salary " means the salary taken into account in determining the amount of contributions payable by a teacher under the provisions of section 105 of the Education (Scotland) Act 1962;

(*q*) " service " means employment in first class service or English teaching service or teaching service in Northern Ireland or any combination of these three forms of employment;

(*r*) " teacher " has the meaning assigned to it by Regulation 16 of the Principal Regulations or, as the case may be, by Regulation 32 of those regulations;

(*s*) " teaching service in Northern Ireland " means employment which is " recognised service " or " contributory service " within the meaning of the Teachers (Superannuation) Acts (Northern Ireland) 1950 to 1956(**a**) except where such employment is undertaken by a teacher who is excluded from the provisions of the Teachers' Superannuation (Reciprocal Arrangements) Scheme 1929 (Northern Ireland)(**b**);

(*t*) " valid election " means an election made by a teacher in respect of which the acceptance of the Secretary of State has been intimated to him and includes where the context so requires an election deemed by the Secretary of State to have been made;

(*u*) " valid nomination " means a nomination made by a teacher in respect of which the acceptance of the Secretary of State has been intimated to him and which has not been revoked or otherwise become void in accordance with the provisions of Regulation 28;

(*v*) " widowed mother's pension " has the meaning assigned to it by Regulation 19(2)(*a*)(i);

(*w*) " Widows' and Children's Scheme " means the Scheme constituted under Part III;

(*x*) " widow's pension " has the meaning assigned to it by Regulation 19(1)(*a*); and

(*y*) " widow's short-service pension " has the meaning assigned to it by Regulation 19(2)(*b*).

(2) Other expressions which have meanings assigned to them by any of the above-mentioned Acts or Regulations shall, unless the context otherwise requires, have the same respective meanings for the purposes of these regulations.

(**a**) (N.I.) 1950 c. 33; 1951 c. 10; 1965 c. 22.

(**b**) S.R. & O. (N.I.) 1929/54 (1929, p. 72).

PART III

PROVISIONS APPLICABLE TO WIDOWS' AND CHILDREN'S PENSIONS

Contributors and Contributions

Interpretation for purposes of Part III

4. In this Part unless the context otherwise requires—

(1) " basic pension " means the pension payable under the provisions of the Principal Regulations before surrender of any part thereof in respect of any exchange of part of pension for other benefits under the provisions of Regulation 44 of those regulations and before modification in consequence of National Insurance under the provisions, as the case may be, of Regulations 22 or 22A or 42 or 42A of those regulations and exclusive of any additional pension payable under the provisions of Regulation 45 of those regulations;

(2) " child " means a person who is not over school age or who is in full-time education at any school, university, college or other educational establishment or is undertaking training for any trade, profession or vocation in such circumstances that he devotes his whole time to that education or to that training by attending a course of which the duration is not less than two years and, while he is undertaking the training, the emoluments receivable by him or payable by the employer in respect of him, exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training, do not exceed £115 per annum or, if greater than £115 per annum, such other sum as shall from time to time have effect for the purposes of section 212(4) of the Income Tax Act 1952(a) or, where a widowed mother's pension is payable, a person who is under the age of 19 years and includes an illegitimate child, a step-child and an adopted child;

(3) " child's pension " has the meaning assigned to it by Regulation 19(1)(*b*);

(4) " eligible child " has the meaning assigned to it by Regulation 21(1);

(5) " eligible service " means any period of service eligible to be treated as reckonable service or the aggregate of any such periods of service;

(6) " married contributor " means a contributor who was a married person during any part of the period after he became a contributor and whether or not the marriage continued until the death of the contributor;

(7) " reckonable service " means any period or the aggregate of any periods of specified service in respect of which a contributor has made or has undertaken to make and, subject to the provisions of these regulations, there have been duly made or there have been deemed to have been made such payments as may be necessary to enable the said period or periods to be credited to him for the purposes of this Part and any period of current service in respect of which periodical contributions have been paid or, as the case may be, have been repaid by a contributor and which is credited to him for the purposes of this Part;

(8) " recognised transfer arrangements " means arrangements in accordance with regulations made under the provisions of section 67(1) of the National Health Service Act 1946(b) or under the provisions of section 66(1) of the National Health Service (Scotland) Act 1947(c) or under the provisions of section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(d);

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
(b) 9 & 10 Geo. 6. c. 81.
(c) 10 & 11 Geo. 6. c. 27.
(d) 11 & 12 Geo. 6. c. 33.

(9) " specified service " means the aggregate of any periods of past service in respect of which a contributor is required or has elected to make the necessary payments to enable the said periods to be treated as reckonable service and excludes any period of past service which is treated as reckonable service;

(10) " unmarried contributor " means a contributor who was not a married person during any part of the period after he became a contributor;

(11) " widowed mother " means the widow of a contributor to whom the provisions of Regulation 19(2) apply and who has an eligible child under the age of 19 years in respect of whom a pension is payable under the provisions of these regulations.

Meaning of " contributor " for the purposes of Part III

5.—(1) For the purposes of this Part, unless the context otherwise requires the expression " contributor " means a male teacher—

(*a*) who first entered first class service on or after the prescribed day and who had not been in service before the said day and every such teacher shall be deemed to have become a contributor on the first day on which he is employed in first class service; or

(*b*) who is employed in first class service on the prescribed day but who first entered service before the said day and every such teacher shall be deemed to have become a contributor on the said day; or

(*c*) who is not employed in first class service on the prescribed day but who first entered service before the said day and every such teacher shall be deemed to have become a contributor on the first day after the said day on which he is employed in first class service.

(2) A teacher to whom paragraph (1)(*b*) of this regulation applies or to whom before 1st October 1965 paragraph (1)(*c*) of this regulation applies may, within six months after the prescribed day or after the date upon which he first enters first class service after the said day, whichever is the later, elect in writing to the Secretary of State that this Part shall or shall not apply to him and where the said teacher does not, within six months after the prescribed day or after the date upon which he first enters first class service after the said day, whichever is the later, elect that the said Part shall or shall not apply to him, the Secretary of State shall treat the teacher as one who has elected that the said Part shall apply to him.

(3) A teacher to whom paragraph (1)(*c*) of this regulation applies on or after 1st October 1965 may, within three months after the date upon which he first enters first class service after the prescribed day, elect in writing to the Secretary of State that this Part shall or shall not apply to him and where the said teacher does not, within three months after the date upon which he first enters first class service after the said day, elect that the said Part shall or shall not apply to him, the Secretary of State shall treat the teacher as one who has elected that the said Part shall apply to him.

(4) Where under the provisions of paragraphs (2) or (3) of this regulation a teacher has made a valid election that the said Part shall not apply to him his deemed status as a contributor shall be cancelled with effect from the day when he was so deemed to be a contributor and such a teacher who on the said day is unmarried or who has been a married person but whose marriage has been terminated by reason of the death of his wife or by divorce may—

(*a*) within three months after his first marriage after the said day, if he was employed in first class service on the date of the said marriage; or

(*b*) where his first marriage after the said day took place while he was not employed in first class service, within three months after the date on which he first re-entered first class service after the date of the said marriage—

elect in writing to the Secretary of State that the said Part shall apply to him from the date of his first marriage after the said day and on the Secretary of State intimating to him that his election is valid the teacher shall be deemed to have become a contributor on the date of the last-mentioned marriage.

(5) Where a teacher ceases to be a contributor under the provisions of Regulation 7, he shall be deemed again to have become a contributor with effect from the first day on which he re-enters or again re-enters first class service after such cessation.

Rate of periodical contributions in respect of current service

6. Periodical contributions in respect of current service shall be paid by a contributor for the purposes of this Part at the rate of two per cent. of the amount of his salary with effect from the date deemed to be applicable or again to be applicable to him under the provisions of Regulation 5 up to and including the date from which his liability for payment of contributions under the provisions of the Main Scheme ceases:

Provided that periodical contributions in respect of current service shall not be payable—

(1) by a person who has made a valid election that this Part shall not apply to him; or

(2) by a contributor who is re-employed in first class service after having been awarded a retiring allowance in terms of, as the case may be, Regulations 20(2)(*a*) or 39 of the Principal Regulations unless the said contributor was a married person before being awarded the said allowance and the said marriage has not been terminated by reason of the death of his wife or lawfully terminated and the said contributor makes a valid election on first being so re-employed to pay periodical contributions in respect of any periods of current service undertaken by him after the award of the said allowance during which his wife is alive.

Date of ceasing to be a contributor

7. Where a contributor ceases to be liable for payment of contributions for the purposes of the Main Scheme other than in circumstances in which his first class service or first class service with second class service under the provisions of the said Scheme amounts to more than 45 years or arising from his having attained the age of 70 years or ceases to be employed in current service for a period exceeding 365 days or for periods of which the aggregate exceeds 365 days, other than in circumstances—

(1) in which he is eligible for the award of a retiring allowance under the provisions of the Main Scheme or has been awarded a retiring allowance or a gratuity under the provisions of the said Scheme; or

(2) in which, having retired after attaining the age of 60 years without having qualified for the award of a retiring allowance under the provisions of the Main Scheme and, whether or not he has had returned under the provisions of the said Scheme a sum equal to the aggregate of his contributions under the said Scheme, he does not apply for a return of the periodical contributions paid by him under the provisions of this Part; or

(3) which will enable him on attaining the age of 60 years to qualify for

the award of a retiring allowance under the provisions of the Main Scheme; or

(4) in which a period of absence from first class service on sick leave is treated as a period of first class service under the provisions of Regulation 10 of the Principal Regulations (hereinafter referred to as a "period of recognised absence"), and he does not have returned to him under the provisions of those regulations a sum equal to the aggregate of his contributions for the purposes of the said regulations; or

(5) in which he is employed in English teaching service or teaching service in Northern Ireland—

he shall be treated as having ceased to be a contributor for the purposes of this Part after 365 days from the date on which the said liability for payment of contributions ceases or, as the case may be, with effect from the date from which the period or the aggregate of the periods of his absence from current service first exceeds 365 days.

Irrevocability of election to become a contributor

8. Subject to the provisions of Regulation 5, a valid election to become a contributor shall continue to be binding and be irrevocable.

Requirements and elections to pay for past service

9.—(1) Where on the day on which Regulation 5 is first deemed to apply or is deemed again to apply to a contributor or, if later, on the day on which a contributor repays to the Secretary of State a sum equal to the aggregate of the contributions returned to such contributor under the provisions of the Main Scheme, the length of the period of eligible service of such contributor is equal to or less than ten years he shall make such payments as may be necessary to enable the said period of eligible service to become reckonable service.

(2) For the purposes of paragraph (1) of this regulation each contributor shall intimate in writing for the approval of the Secretary of State, and subject to the provisions of paragraphs (5) and (6) of this regulation, which Method or Methods he proposes should be adopted to pay for any period of his past service which is included in the said period of eligible service, such intimation to be made—

(*a*) on the contributor first becoming a contributor—

(i) if he is a contributor to whom the provisions of Regulation 5(1)(*b*) apply or to whom before 1st October 1965 the provisions of Regulation 5(1)(*c*) apply, within six months after the prescribed day or after the date upon which he first enters first class service after the said day, whichever is the later; or

(ii) if he is a contributor to whom the provisions of Regulation 5(1)(*c*) apply on or after 1st October 1965, within three months after the date upon which he first enters first class service after the prescribed day; or

(iii) if he has made a valid election under the provisions of Regulation 5(4) that this Part shall apply to him, within three months after the date on which he is first employed in first class service after his first marriage after the said day;

or

(*b*) on the contributor repaying to the Secretary of State a sum equal to the aggregate of the contributions returned to him under the provisions of the Main Scheme, within three months after the date of such repayment; or

(*c*) on the contributor again becoming a contributor, within three months after the date on which he again becomes a contributor or, if later, after the day on which he repays to the Secretary of State a sum equal to the aggregate of the contributions returned to him under the provisions of the Main Scheme—

and, on the Secretary of State intimating his approval of the proposal to the contributor, the said Method or Methods so approved shall then apply to the contributor with effect from the first day of the month next following the date of intimation of the approval and, subject to the provisions of Regulations 12 and 44, shall continue to apply to the contributor throughout any period thereafter during which he is in first class service and notwithstanding that the provisions of Regulation 13 may subsequently apply to him.

(3) Where on the day on which Regulation 5 is first deemed to apply to a contributor the length of the period of past service of such contributor exceeds ten years he shall make such payments as may be necessary to enable not less than ten years of the said period of past service to become reckonable service and each contributor may elect to make such payments as may be necessary to enable any period of his past service in excess of ten years also to become reckonable service.

(4) For the purposes of paragraph (3) of this regulation each contributor shall specify in writing for the approval of the Secretary of State and, subject to the provisions of paragraphs (5) and (6) of this regulation, the length of the period of his past service which he elects to have taken into account as specified service and which Method or Methods he proposes should be adopted to pay for the period of his specified service, such specification to be made—

(*a*) if he is a contributor to whom the provisions of Regulation 5(1)(*b*) apply or to whom before 1st October 1965 the provisions of Regulation 5(1)(*c*) apply, within six months after the prescribed day or after the date upon which he first enters first class service after the said day, whichever is the later; or

(*b*) if he is a contributor to whom the provisions of Regulation 5(1)(*c*) apply on or after 1st October 1965, within three months after the date upon which he first enters first class service after the prescribed day; or

(*c*) if he has made a valid election under the provisions of Regulation 5(4) that this Part shall apply to him, within three months after the date on which he is first employed in first class service after his first marriage after the said day—

and, on the Secretary of State intimating to the contributor that the Method or Methods which he proposes should be adopted is approved and that his election is valid, the said Method or Methods so approved shall then apply to the contributor with effect from the first day of the month next following the date of intimation of the approval and, subject to the provisions of Regulations 12 and 44, shall continue to apply to the contributor throughout any period thereafter during which he is in first class service.

(5) It shall not be lawful for a contributor to propose—

(*a*) to adopt both Method I and Method II; nor

(*b*) to adopt the said Method I where he has attained the age of 59 years at his last birthday before the day on which Regulation 5 is deemed to apply to him or is deemed again to apply to him; or

(*c*) to adopt the said Method II where he has attained the age of 64 years at his last birthday before the day on which Regulation 5 is deemed to apply to him or is deemed again to apply to him.

(6) Where a contributor who is required or has elected to pay for a period of past service fails to intimate within the prescribed period the Method or Methods which he proposes to adopt Method III shall be deemed to apply to him with effect from the date on which Regulation 5 is deemed to apply to him or is deemed again to apply to him and shall continue to apply to the contributor throughout any period thereafter during which he is in first class service.

(7) Except as provided in Regulation 12 and subject to the provisions of Regulation 44, a valid election in respect of a period of specified service and an approved proposal as to the Method or Methods of payment shall be final and shall not be capable of being varied.

(8) Where a contributor is required or has elected to pay for a period of past service and has proposed to adopt Method I, or Method II, or Method III, or Method I and Method III, or Method II and Method III, to pay for the said period of past service and his election is eligible to be treated as a valid election and his proposal is eligible to be approved and the contributor dies before the intimation to him of the Secretary of State's acceptance of his election and approval of his proposal, the said election shall be deemed to be a valid election and the said proposal shall be deemed to have been approved.

Lapsing of requirements and elections

10.—(1) Where a teacher who is a contributor who is required or has elected under the provision of Regulation 9 to make such payments as may be necessary in respect of a period of specified service ceases at any time to be regarded as a contributor under the provisions of Regulation 7 the said requirement or election shall be deemed to have lapsed with effect from the date from which the said teacher ceases to be so regarded until the date on which he re-enters or again re-enters first class service.

(2) Where a contributor who is required or has elected under the provisions of Regulation 9 to make such payments as may be necessary in respect of a period of specified service—

(*a*) ceases to be liable for the payment of contributions for the purposes of the Main Scheme—

(i) in circumstances which will enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the said Scheme; or

(ii) before attaining the age of 65 years, being a contributor to whom the provisions of Regulation 7(2) apply and who has adopted Method II; or

(iii) having withdrawn from first class service before attaining the age of 60 years where Method I or Method II applies to him or after attaining the age of 60 years but before attaining the age of 65 years where Method II applies to him and entered English teaching service or teaching service in Northern Ireland; or

(*b*) ceases to be liable for the payment of contributions for the purposes of the Main Scheme before attaining the age of 60 years where Method I or Method II applies to him or after attaining the age of 60 years but before attaining the age of 65 years where Method II applies to him—

(i) in circumstances arising from a period of recognised absence; or

(ii) having withdrawn from first class service or second class service in circumstances in which he is eligible for the award of a retiring allowance or a gratuity under the provisions, as the case may be, of Regulations 20(2)(*b*) or 24 or 40(1) or 46 of the Principal Regulations or has been awarded a retiring allowance or a gratuity under the said provisions of those regulations—

the requirement or election under the provisions of Regulation 9 to make such payments as may be necessary in respect of a period of specified service shall be deemed to have lapsed with effect from the date from which the said contributor ceases to be liable for the payment of contributions for the purposes of the Main Scheme until such date as he re-enters or again re-enters first class service.

Re-assessment of contribution rate

11.—(1) The provisions of paragraph (2) of this regulation shall apply or again apply to a contributor—

(*a*) to whom the provisions of Regulation 10(1) have applied and who has not had returned under the provisions of the Principal Regulations a sum equal to the aggregate of his contributions for the purposes of those regulations; or

(*b*) to whom the provisions of Regulation 10(1) have applied and who has had returned to him under the provisions of the Principal Regulations a sum equal to the aggregate of his contributions for the purposes of those regulations; or

(*c*) to whom the provisions of Regulation 10(2), in the circumstances specified under head (*a*) of the said Regulation 10(2), have applied—

as soon as may be after the said contributor—

(i) where head (*a*) of this paragraph applies re-enters or again re-enters first class service; or

(ii) where head (*b*) of this paragraph applies re-enters or again re-enters first class service and repays or subsequently repays to the Secretary of State a sum equal to the aggregate of the contributions returned to him under the provisions of the Principal Regulations; or

(iii) where head (*c*) of this paragraph applies re-enters or again re-enters first class service after the length of the period or of the aggregate of the periods of his absence from current service since he became, or, as the case may be, since he last again became a contributor, together with the length of the period or of the aggregate of the periods from the date on which he ceased to be liable for the payment of contributions for the purposes of the Main Scheme, exceeds 365 days.

(2) Where a teacher to whom this paragraph applies or again applies in accordance with the provisions of paragraph (1) of this regulation—

(*a*) has made an approved proposal that periodical contributions in respect of a period of specified service should be paid in accordance with the provisions of either Method I or Method II—

(i) the Secretary of State, after such consultation with the Government Actuary as may be necessary, shall determine and intimate to him the length of the period of his specified service, if any, which shall be treated as reckonable service; and

(ii) the rate of any periodical contributions payable by him under the provisions of Method I or Method II shall be re-assessed in accordance with Table 1 or, as the case may be, Table 2 in Part II of Schedule 1 according to the age attained by the contributor on re-entering or again re-entering first class service and, subject to the provisions of Regulation 44, the rate so re-assessed shall apply to the difference between the length of the period of specified service in respect of which the contributor was required or had elected to make the necessary payments under the provisions of Regulation 9 and the period of reckonable service determined and intimated to him under the provisions of this paragraph and payment for any period of the said specified service which, in accordance with the provisions of the said Regulation 44, may not be made under the provisions of the said Method I or Method II shall be made under the provisions of Method III; or

(*b*) has made an approved proposal that a period of specified service shall be paid for under the provisions of Method III the amount of any sum to be surrendered from Main Scheme payments shall, notwithstanding that a requirement or an election, as the case may be, has been deemed to have lapsed under the provisions of Regulation 10, be assessed in accordance with Table 3 or, as the case may be, Table 4 in Part II of Schedule 1 according to the age attained by the contributor at the date with effect from which Regulation 5 was first deemed to apply to him.

(3) Where a contributor to whom the provisions of Regulation 10(2), in the circumstances specified under head (*b*) of the said Regulation 10(2), apply re-enters or again re-enters first class service—

(*a*) if he has made an approved proposal that periodical contributions in respect of a period of specified service should be paid under the provisions of either Method I or Method II, the rate of any such contributions payable by him under the provisions of the said Method I or Method II shall, notwithstanding that a requirement or an election, as the case may be, has been deemed to have lapsed under the provisions of Regulation 10, be assessed in accordance with Table 1 or, as the case may be, Table 2 in Part II of Schedule 1 according to the age attained by the contributor at the date with effect from which Regulation 5 was last deemed to apply or deemed again to apply to him prior to such re-entry; and

(*b*) if he has made an approved proposal that a period of specified service should be paid for under the provisions of Method III the amount of any sum to be surrendered from Main Scheme payments shall, notwithstanding that a requirement or an election, as the case may be, has been deemed to have lapsed under the provisions of Regulation 10, be assessed in accordance with Table 3 or, as the case may be, Table 4 in Part II of Schedule 1 according to the age attained by the contributor at the date with effect from which Regulation 5 was first deemed to apply to him.

Appeals against re-assessed contribution rate

12. Where a contributor intimates in writing to the Secretary of State within one month after intimation of a re-assessment having been made under the pro-

visions of Regulation 11(2) that he objects to the rate of re-assessment determined in accordance with the provisions of head (*a*)(ii) of the said Regulation 11(2) the Secretary of State may allow the contributor—

(1) if he is a contributor to whom the provisions of Regulation 9(2) apply, to vary his proposal as to the Method or Methods which should be adopted to pay for a period of specified service; or

(2) if he is a contributor to whom the provisions of Regulation 9(4) apply, to vary his election as to the length of specified service to be paid for and to vary his proposal as to the Method or Methods which should be adopted for such payment, so however that the period of eligible service of the said contributor shall not amount to less than ten years—

and thereafter the provisions of Regulation 9 shall apply as if Regulation 9(7) had not been enacted.

Elections to pay for past service on re-entering Scheme

13. Subject to the provisions of Regulation 9(5) and (6), where a teacher to whom the provisions of Regulation 10 apply re-enters or again re-enters first class service and the length of the period of his eligible service at the date of such re-entry or, as the case may be, on the subsequent repayment to the Secretary of State of a sum equal to the aggregate of the contributions returned to such teacher under the provisions of the Main Scheme exceeds ten years, the said teacher may, within three months after the date of such re-entry or, as the case may be, after the date of such repayment, specify in writing to the Secretary of State the length of any period of past service undertaken by him after he ceased to be a contributor or ceased to be liable for the payment of contributions for the purposes of the Main Scheme and before re-entering or again re-entering first class service which he elects to have taken into account as specified service and, on the Secretary of State intimating to the contributor that his election is valid, payment for such a period of specified service shall, subject to the provisions of Regulation 44, be made by the contributor as from the first day of the month next following the date of such intimation in accordance with the provisions of the Method or Methods applicable to the said contributor.

Methods of payment for specified service

14.—(1) Subject to the provisions of Regulation 9, payment for a period of specified service shall be made in accordance with the provisions of Method I or Method II or Method III set out in Part I of Schedule 1:

Provided that for the purposes of Method III the amount due to be surrendered from Main Scheme payments payable by or on behalf of any contributor shall not be so surrendered if at the date of his death or retirement, as the case may be, the contributor was unmarried or had been a married person but the marriage had been terminated by reason of the death of his wife or lawfully terminated or was one in respect of which an order for judicial separation had been granted where aliment was not payable and notwithstanding that a pension may be payable under the provisions of Regulation 22.

(2) Where the amount of the surrender that can be made from the amount of Main Scheme payments payable in respect of any contributor is less than the amount due to be surrendered under the provisions of Method III the length of the period of specified service to be paid for by surrender of Main Scheme payments that shall be treated as reckonable service shall be that proportion of the total length of the period of specified service that the amount of the actual surrender made from Main Scheme payments by or on behalf of the contributor bears to the amount of the surrender.

Return of periodical contributions to unmarried contributors

15. Subject to the provisions of Regulation 47, where an unmarried contributor—

(1) retires from teaching in circumstances in which he is eligible for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme or has been awarded a retiring allowance or a gratuity under the provisions of the said Scheme; or

(2) withdraws from teaching in circumstances which will enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the Main Scheme and has not been a married person at any time during the period from the date of the said withdrawal to the date on which he attains the said age or, being such a contributor, dies before attaining the said age; or

(3) withdraws from teaching and, not having qualified for the award of a retiring allowance under the provisions of the Main Scheme, has had returned under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme; or

(4) transfers from first class service to other employment under recognised transfer arrangements; or

(5) dies before retiring—

a sum equal to the aggregate amount of periodical contributions paid by him for the purposes of this Part shall, with interest thereon calculated in accordance with the provisions of Regulation 46, be returned to him or paid to his personal representative, as the case may be.

Return of periodical contributions to married contributors

16.—(1) Subject to the provisions of Regulations 18 and 47, where a married contributor withdraws from teaching and, not having qualified for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme, has had returned under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme or transfers from first class service to the other employment under recognised transfer arrangements or dies and at the date of his withdrawal from teaching or transfer to the said other employment or death his reckonable service amounts to—

(*a*) less than three years where—

(i) his wife and an eligible child under the age of 19 years are alive or he is survived by his widow and such a child; or

(ii) his wife has attained the age of 50 years or, as the case may be, he is survived by his widow who has attained the said age; or

(iii) his marriage having been terminated by reason of the death of his wife or having been lawfully terminated or being one in respect of which an order for judicial separation has been granted where aliment is not payable, an eligible child of his is alive or he is survived by such a child; or

(*b*) less than 10 years where his wife, not having attained the age of 50 years, is alive and there are no eligible children or he is survived by his widow who has not attained the said age and there are no eligible children—

a sum equal to the aggregate amount of the periodical contributions paid by him for the purposes of this Part shall, with interest thereon calculated in accordance with the provisions of Regulation 46 and subject to the provisions of Regulation 47, be returned to him or paid to his personal representative, as the case may be.

(2) Where a married contributor whose marriage has not been terminated by reason of the death of his wife or lawfully terminated withdraws from teaching and, not having qualified for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme and not being a contributor to whom the provisions of Regulation 7(2) apply, has had returned under the provisions of the said Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme or transfers from first class service to other employment under recognised transfer arrangements and where his reckonable service amounts to—

(*a*) not less than three years where he also has an eligible child under the age of 19 years or, as the case may be, his wife has attained the age of 50 years; or

(*b*) not less than ten years where the provisions of sub-paragraph (*a*) of this paragraph do not apply to him—

a sum equal to the aggregate of one half of his periodical contributions paid in respect of current service and a sum equal to the aggregate of his periodical contributions paid in respect of specified service shall, with interest thereon calculated in accordance with the provisions of Regulation 46 and subject to the provisions of Regulation 47, be returned to him.

(3) Where a married contributor whose marriage has been terminated by reason of the death of his wife or has been lawfully terminated or is one in respect of which an order for judicial separation has been granted where aliment is not payable dies in service before having been awarded a retiring allowance under the provisions of, as the case may be, Regulations 20(2)(*a*) or 39 of the Principal Regulations and at the date of his death the said contributor had not remarried or, as the case may be, any such order for judicial separation had not been withdrawn and a child's pension is payable under the provisions of, as the case may be, Regulations 22(3) or 23(2) a sum equal to the aggregate of the whole of the periodical contributions paid by the contributor in respect of specified service shall, with interest thereon calculated in accordance with the provisions of Regulation 46 and subject to the provisions of Regulation 47, be paid to the personal representative of the contributor.

(4) Where a married contributor whose marriage has been terminated by reason of the death of his wife or has been lawfully terminated or is one in respect of which an order for judicial separation has been granted where aliment is not payable—

(*a*) having or, as the case may be, not having any eligible children, retires and is eligible for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme or has been awarded a retiring allowance or a gratuity under the provisions of the said Scheme or withdraws from teaching in circumstances which will enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the said Scheme or, having reckonable service amounting to not less than 10 years or, as the case may be, not less than 3 years where there was an eligible child during the fourth or a subsequent year of such service, with the return under the provisions of the said Scheme of a sum equal to the aggregate of his contributions under the said Scheme or transfers from first class service to other employment under recognised transfer arrangements; or

(*b*) dies in service before having been awarded a retiring allowance under the provisions of, as the case may be, Regulations 20(2)(*a*) or 39 of the Principal Regulations and a child's pension is not payable under the provisions, as the case may be, of Regulations 22(3) or 23(2)—

a sum equal to the aggregate of the periodical contributions in respect of current service paid by him in respect of the period since he ceased to be married or, as the case may be, since the granting of the said order together with a sum equal to the aggregate of one-half of the amount of such contributions paid by him in respect of the period prior to the termination of his marriage or, as the case may be, prior to the granting of the said order and a sum equal to the aggregate of the whole of the periodical contributions paid by him in respect of specified service shall, with interest thereon calculated in accordance with the provisions of Regulation 46 and subject to the provisions of Regulation 47, be returned to him or paid to his personal representative as the case may be:

Provided that such contributor did not re-marry or any order for judicial separation was not withdrawn before, as the case may be, the date of his retiral, withdrawal or transfer from first class service or death.

(5) Periodical contributions paid by a contributor in respect of a period of current service undertaken after he has been awarded a retiring allowance under the provisions of, as the case may be, Regulations 20(2)(*a*) or 39 of the Principal Regulations shall not be returnable.

Cancellation of service on return of periodical contributions

17. On payment being made of the sum equal to the aggregate amount of periodical contributions to be returned under the provisions of Regulations 15 or 16 the service in respect of which the said contributions were paid shall be treated as cancelled for the purposes of this Part.

Repayment of periodical contributions returned

18. Where a contributor to whom the sum equal to the aggregate amount or part amount of his periodical contributions in respect of current service has been returned subsequently again becomes a contributor, he may at any time thereafter while he is employed in first class service (if the service in respect of which the said periodical contributions were paid is recorded as first class service for the purposes of the Main Scheme) repay to the Secretary of State a sum equal to the sum returned to the contributor in respect of such periodical contributions (with interest) together with compound interest thereon from the date of the said return calculated at the rate of three-and-a-half per cent. per annum with yearly rests, and thereupon the period or periods of service in respect of which such contributions were payable shall again be treated as current service.

BENEFITS

Entitlement to pension

19.—(1) Subject to the provisions of these regulations, there shall be paid on the death of a contributor whose reckonable service amounted to not less than ten years—

(*a*) where he is survived by a widow, a pension to that widow (hereinafter referred to as a " widow's pension "); and

(*b*) where any marriage of his was terminated by reason of the death of his wife or was lawfully terminated or was one in respect of which an order for judicial separation had been granted where aliment was payable before this Part first applied to him, a pension for the benefit of the children of any such marriage and where he had a wife at any time after this Part first applied to him (whether or not the marriage continued until his death and whether or not a widow's pension becomes payable), a pension for the benefit of the children of the marriage, and, in the circumstances provided for in proviso (*c*) to Regulation 21(1) of

other children of his or of the said wife (hereinafter referred to as a "child's pension"):

(2) Subject to the provisions of these regulations, there shall be paid on the death of a contributor whose reckonable service amounted to three years or more but less than ten years—

(*a*) where he is survived by a widow and an eligible child of the marriage or by a widow and another such child of his or of his widow, any such child not having attained the age of 19 years—

(i) a pension to that widow (hereinafter referred to as a "widowed mother's pension"); and

(ii) where the conditions of paragraph (1)(*b*) of this regulation are satisfied but with reference to a widowed mother's pension, a child's pension; or

(*b*) where he is survived by a widow who at the date of his death had attained the age of 50 years, a pension to that widow (hereinafter referred to as a "widow's short-service pension"); or

(*c*) where he is not survived by a widow and is survived by an eligible child and the conditions of paragraph (1)(*b*) of this regulation are satisfied but with reference to a widowed mother's pension, a child's pension.

(3) Any marriage of a contributor to whom the provisions of paragraphs (1) or (2) of this regulation apply which took place after the date on which he was first eligible for the award of a pension or a gratuity under the provisions of, as the case may be, Regulations 20(2)(*a*) or 20(2)(*b*) or 24 or 39 or 40 or 46 of the Principal Regulations or first entitled to claim a return of Main Scheme contributions on retiring after attaining the age of 60 years without having become entitled to the award of such a pension or gratuity shall not be taken into account for the purpose of this regulation and any reference in this regulation to a marriage, a wife, a widow, or the children of such a contributor shall be construed accordingly.

(4) Where a contributor to whom Method I or Method II applies dies while in service or after ceasing to be in service but before ceasing to be regarded as a contributor for the purposes of this Part or after having withdrawn from teaching in circumstances in which he is eligible for the award of a retiring allowance or gratuity under the provisions of, as the case may be, Regulations 20(2)(*b*) or 24 or 40(1) or 46 of the Principal Regulations and without having re-entered or again re-entered first class service—

(*a*) where the total amount of periodical contributions paid by such a contributor under the provisions of Regulation 14 is not less than the annual sum due to be paid by him under the said regulation the full amount of the payment due to be made in respect of the period of specified service of the contributor to which the said Method I or Method II applies shall be deemed to have been paid and the said period of his specified service shall be deemed to be an equivalent period of reckonable service; or

(*b*) where no periodical contributions have been paid under the provisions of Regulation 14 by such a contributor or where the total amount of such contributions paid by such a contributor is less than the annual sum due to be paid by him under the said regulation it shall be lawful for the Secretary of State to deduct from any Main Scheme payments payable to the personal representative of the contributor an amount equal to the said annual sum or, as the case may be, an amount equal to the difference between the said annual sum and the total amount of

periodical contributions paid by the contributor under the provisions of the said Regulation 14 and on such deduction being made the full amount of the payment due to be made in respect of the period of specified service of the contributor to which the said Method I or Method II applies shall be deemed to have been paid and the said period of his specified service shall be deemed to be an equivalent period of reckonable service.

Pensions for widows

20.—(1) Subject to the provisions of Regulation 19, where all the service of a contributor was first class service and for the purposes of this Part all his past service and current service was reckonable service and he dies in service or after ceasing to be in service but before ceasing to be regarded as a contributor for the purposes of the said Part or he was eligible for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme or was in receipt of a retiring allowance or gratuity under the provisions of the said Scheme or on attaining the age of 60 years would be eligible for the award of a retiring allowance under the provisions of the said Scheme or he was a contributor to whom the provisions of Regulation 7(2) apply, the annual rate of the widow's pension shall be the greater of the following sums—

(*a*) (i) one-third of the rate of his basic pension or the same proportion of the rate of the widow's pension that would have been payable under the provisions of this sub-paragraph if the contributor had also had sufficient second class service or third class service to enable him to qualify for a pension under the provisions of the Main Scheme, as the proportion that the reckonable service of the said contributor bears to the total length of his first class service under the provisions of the Main Scheme; or

(ii) if the contributor dies before he retires, one-third of the rate of the basic pension which would have been payable to him if he had retired on grounds of ill-health on the day of his death; or

(*b*) £115.

(2) Subject to the provisions of Regulations 14(2) and 19, where all the service of a contributor was first class service and not all of his past service and current service was reckonable service, the annual rate of the widow's pension shall be the greater of the following sums—

(*a*) the same proportion of the rate of the widow's pension that would be payable under the provisions of paragraph (1)(*a*) of this regulation, or that would have been so payable if the contributor had also had sufficient second class service or third class service to enable him to qualify for a pension under the provisions of the Main Scheme, as the proportion that the reckonable service of the contributor bears to the total length of his first class service under the provisions of the said Scheme; or

(*b*) £115.

(3) Subject to the provisions of Regulations 14(2) and 19, where the reckonable service of a contributor was not all first class service, the annual rate of the widow's pension shall be the greater of the following sums—

(*a*) the same proportion of the rate of the widow's pension that would be payable under the provisions of paragraph (1)(*a*) of this regulation as the proportion that would have been so payable if all of the reckonable service of the contributor had been first class service; or

(*b*) £115.

(4) Subject to the provisions of Regulation 19, where all the service of a contributor was first class service and he dies in service or after ceasing to be in service but before ceasing to be regarded as a contributor for the purposes of this Part or he was eligible for the award of a gratuity under the provisions of the Main Scheme or was in receipt of such a gratuity or he was a contributor to whom the provisions of Regulation 7(2) apply, the annual rate of the widowed mother's pension or of the widow's short-service pension shall be the sum payable in accordance with the Table in Schedule 2.

(5) Subject to the provisions of Regulations 14(2) and 19, where the reckonable service of a contributor was not all first class service the annual rate of the widowed mother's pension or of the widow's short-service pension shall be the same proportion of the rate of the widowed mother's pension or of the widow's short-service pension that would be payable under paragraph (4) of this regulation as the proportion which the reckonable service of the contributor bears to the total length of his first class service under the provisions of the Main Scheme.

(6) Subject to the provisions of these regulations,

(*a*) a widow's pension shall be payable in respect of the whole period from the date of the death of the contributor to the date of the death of his widow; and

(*b*) a widowed mother's pension shall be payable in respect of the whole period from the date of the death of the contributor to the date of the death of the widowed mother or the date on which she ceases to have an eligible child, whichever is the earlier; and

(*c*) a widow's short-service pension shall be payable in respect of the whole period from the date of the death of the contributor to the date of the death of his widow:

Provided that where on the date on which a widow who was a widowed mother ceases to have an eligible child she has attained the age of 50 years, there shall be payable to her with effect from the said date a widow's short-service pension at the same annual rate as the widowed mother's pension which was previously payable to her and, subject to the provisions of these regulations, the said widow's short-service pension shall be payable to the date of the death of the said widow.

Children for whose benefit pensions are payable

21.—(1) Subject to the provisions of this regulation and of Regulation 23, a child's pension shall be payable if, and whenever and so long as, there is a child for whose benefit it falls to be paid by virtue of the provisions of this Part (hereinafter referred to as an " eligible child "):

Provided that a child's pension shall not be payable—

(*a*) in respect of any child who at the date of death of the contributor is the illegitimate or adopted child of the contributor if such child was born or, as the case may be, adopted after the termination of the last marriage of the contributor, as the case may be, by reason of the death of his wife or by lawful termination or after an order for judicial separation has been granted in respect of the said marriage or after the date upon which the contributor was first eligible for the award of a pension or a gratuity under the provisions of, as the case may be, Regulations 20(2)(*a*) or 20(2)(*b*) or 24 or 39 or 40 or 46 of the Principal Regulations or first entitled to claim a return of Main Scheme contributions on retiring after attaining the age of 60 years without having become entitled to the award of such a pension or gratuity; or

(*b*) in respect of any child by reason that he is the child of a wife of a deceased contributor, if the child was born or became her child after the termination of her marriage to the contributor or after an order for judicial separation had been granted in respect of the said marriage or after the date upon which the contributor was first eligible for the award of a pension or a gratuity under the provisions of, as the case may be, Regulations 20(2)(*a*) or 20(2)(*b*) or 24 or 39 or 40 or 46 of the Principal Regulations or first entitled to claim a return of Main Scheme contributions on retiring after attaining the age of 60 years without having become entitled to the award of such a pension or gratuity; or

(*c*) by reason that the child is—

(i) the illegitimate child of a contributor who has died; or

(ii) a step-child of a contributor who has died and a child of a wife of his; or

(iii) the step-child, adopted child or illegitimate child of a wife of a contributor who has died—

unless such child was, in the opinion of the Secretary of State, wholly or mainly dependent on the contributor at the time of his death; or

(*d*) in respect of any female child who is married.

(2) Notwithstanding the terms of Regulation 4(2) relating to the amount of the emoluments receivable by a child or payable by the employer in respect of him, a pension may nevertheless be payable where the annual amount of such emoluments exceeds £115 or, if greater than £115, such other sum as shall from time to time have effect for the purposes of section 212(4) of the Income Tax Act 1952.

(3) Subject to the provisions of these regulations, a child's pension shall be payable in respect of the whole period from the date of the death of the contributor to the date on which the younger or the youngest eligible child of the contributor or of his wife ceases to be an eligible child.

Rates of children's pensions

22.—(1) Only one pension shall be payable in respect of the children of any one contributor, but subject to the provisions of Regulation 23—

(*a*) the rate thereof may be varied according to the number of children for whose benefit the said pension may for the time being be payable and, where the provisions of Regulation 21(2) apply to a child, may be reduced to take account of emoluments in excess of the amount specified in the said regulation receivable by him or, as the case may be, payable by the employer in respect of him; and

(*b*) the child's pension shall be paid to such person or persons as the Secretary of State may from time to time direct and different parts thereof may be directed to be paid to different persons; and

(*c*) the person to whom all or any part of a child's pension may be paid shall apply the sum paid to him, without distinction, for the benefit of all the eligible children for whose benefit the pension is for the time being payable or for the benefit of such of them as the Secretary of State may from time to time direct.

(2) Where a contributor is survived by a widow the annual rate of a child's pension during her lifetime so long as a child's pension is payable—

(*a*) while there is only one eligible child shall be £60;

(*b*) while there are two eligible children shall be £110;

(*c*) while there are three eligible children shall be £160;

(*d*) while there are four or more eligible children shall be £210:

Provided that—

(i) where all the eligible children are in the care of some person other than the widow and in the opinion of the Secretary of State the widow is no longer accepting financial liability for the maintenance of the children, the Secretary of State may, if he thinks fit, direct that this paragraph or paragraph (3) of this regulation shall apply notwithstanding that the widow is alive; and

(ii) where some but not all of the eligible children are in the care of some person other than the widow and in the opinion of the Secretary of State the widow is accepting financial responsibility only for the children in her care, the annual rate of the child's pension may, if the Secretary of State so directs, be a sum equal to the amount calculated at the rate which it would have been if the children not in the care of the widow were left out of account and at the rate which it would have been if the widow were dead and the other children were left out of account, so, however, that in no case shall the annual rate of pension be more than £210.

(3) Where the contributor either is not survived by a widow or, is so survived then after the death of his widow, so long as a child's pension is payable, the annual rate of a child's pension—

(*a*) while there is only one eligible child shall be £85;

(*b*) while there are two eligible children shall be £165;

(*c*) while there are three eligible children shall be £245;

(*d*) while there are four or more eligible children shall be £325.

Incapacitated persons

23.—(1) Where a person, for whose benefit a child's pension would be payable if he were under the age of 16 years or, as the case may be, in full-time education or training as described in Regulation 4(2) or under the age of 19 years where a widowed mother's pension had been payable, is, in the opinion of the Secretary of State, for the time being incapacitated by an incapacity which arose or first arose, as the case may be, while he was under the age of 16 years or during the period while he was in full-time education or training, or while he was under the age of 19 years where a widowed mother's pension was payable, then, subject as hereinafter provided, a child's pension shall be payable for his benefit during the period of that incapacity notwithstanding the expiry of the period provided in Regulation 21(2).

(2) If in any case to which, as the case may be, the provisions of Regulation 22(2) or (3) apply a child's pension would be payable for the benefit of any person by virtue only of paragraph (1) of this regulation, then, whether or not a pension would also be payable for the benefit of any other child or children or person or persons, the annual rate thereof shall be £210 in any case to which the provisions of Regulation 22(2) apply or be £325 in any case to which the provisions of Regulation 22(3) apply.

(3) Any person in respect of whom a pension is payable only by virtue of his being incapacitated shall submit himself, when required by the Secretary of State, at intervals of not more than three years, for examination by a duly qualified medical practitioner selected by the Secretary of State with a view

to ascertaining whether such person remains incapicitated and if, as a result of such medical examination, the Secretary of State is satisfied that the person has ceased to be incapacitated the rate of any child's pension payable under the provisions of this Part shall be re-assessed to take into account the cessation of such incapacity.

PART IV

PROVISIONS APPLICABLE TO DEPENDANTS' PENSIONS NOMINEES AND CONTRIBUTIONS

Interpretation of Part IV

24. In this Part unless the context otherwise requires—

(1) " brother " includes, in relation to a person, every male child of his father or of his mother;

(2) " child " means a person who is not over 16 years of age;

(3) " life pension " means a pension payable under the provisions of this Part to a nominee who has attained the age of 16 years or who, having attained that age is not an eligible child for the purposes of Part III or who is permanently incapacitated;

(4) " sister " includes, in relation to a person, every female child of his father or of his mother;

(5) " temporary pension " means a pension payable under the provisions of this Part to a nominee who has not attained the age of 16 years and who is not an eligible child for the purposes of Part III.

Nominations

25.—(1) Subject to the provisions of this Part, a teacher who has not attained the age of 55 years and the length of whose service amounts to not less than three years may at any time while employed in first class service nominate in writing to the Secretary of State another person as a person to whom or for whose benefit there may be granted after the death of the said teacher a life pension or, as the case may be, a temporary pension and on the Secretary of State intimating his acceptance of the nomination, the nomination shall be a valid nomination:

Provided that the Secretary of State may nevertheless accept as a valid nomination a nomination made by a teacher—

(*a*) (i) who is employed in first class service on the prescribed day but who first entered service before the said day and who attains or, as the case may be, had attained the age of 55 years but had not attained the age of 59 years on or before the said day; or

(ii) who is not employed in first class service on the prescribed day but who, having been in service before the prescribed day, attains or, as the case may be, had attained the age of 55 years but had not attained the age of 59 years on or before the day on which the teacher first enters or re-enters or again re-enters first class service after the prescribed day; and

(*b*) the length of whose period of service before attaining the age of 55 years amounted to not less than three years.

(2) Subject to the provisions of this Part and of Regulation 44(2), successive nominations in respect of the same nominee or a further nomination in respect of another nominee may be made by a teacher where—

(*a*) the annual rate of the salary of the teacher has increased by not less than £120 over the annual rate of his salary at the date when his last previous nomination was accepted; or

(*b*) a period of not less than three years has elapsed since the said date.

(3) Where a teacher makes a nomination under the provisions of this regulation and such a nomination is eligible to be treated as a valid nomination and the said teacher dies before the intimation to him of the acceptance by the Secretary of State of the said nomination, the said nomination shall be deemed to be a valid nomination.

Persons who may or may not be nominated

26.—(1) A nominee shall be the husband of the teacher, the widowed mother or the father or the widowed step-mother or the step-father of the teacher, an unmarried sister, or brother or child of the teacher, a child of a deceased sister or deceased brother of the teacher or a child of a deceased child of the teacher.

(2) The teacher must at the date of the nomination be able to satisfy the Secretary of State that his nominee is wholly or mainly dependent on him.

(3) The maximum number of nominees which a teacher may have at any one time shall be one adult, not more than three children who would not otherwise be eligible for life pensions and one incapacitated child of whom the teacher is the parent and who is not also eligible for a pension under the provisions of Part III and a woman teacher may nominate in addition a dependent husband.

Evidence of teacher's state of health

27.—(1) For the purpose of satisfying the Secretary of State that he is of good health, regard being had to his age, a teacher making a nomination under the provisions of this Part may be required to submit himself for examination by a duly qualified medical practitioner selected by the Secretary of State within such period as the Secretary of State may determine.

(2) The Secretary of State may refuse to accept a nomination if he is not satisfied that the teacher was, regard being had to his age, in good health at the time of making the nomination.

Nominations being revoked or otherwise becoming void

28. A valid nomination shall become void—

(1) where a teacher gives notice in writing to the Secretary of State of the revocation of such a nomination; or

(2) on the death of the nominee; or

(3) on the marriage or, as the case may be, the re-marriage of a female nominee; or

(4) when in the case of a temporary pension the nominee attains the age of 16 years; or

(5) where such a nomination is in respect of any child of a teacher who elects under the provisions of Regulation 5(4) that Part III shall apply to him and where as a result of such election any such child becomes eligible for a pension under the provisions of that Part; or

(6) where a nominee ceases to be wholly or mainly dependent on the teacher who has made the nomination.

Periodical contributions

29.—(1) Where a teacher makes a valid nomination the periodical contributions payable by the teacher in respect of the nomination shall be at a rate to be determined as at the date of nomination by the Government Actuary and shall be of a fixed annual amount according to the age and sex of the teacher,

the age of the nominee, the amount and type of the pension and, in the case of a life pension, the sex of the nominee.

(2) Subject to the provisions of Regulation 44 and of paragraph (3) of this regulation, periodical contributions shall be payable by a teacher by monthly deductions from salary with effect from the first day of the month next following the date of intimation that the nomination is valid until, as the case may be, the date on which the teacher attains the age of 60 years or withdraws from first class service or until the nomination becomes void, whichever is the earliest.

(3) Where a teacher withdraws from first class service without having had returned under the provisions, as the case may be, of Regulations 27 or 50 of the Principal Regulations, a sum equal to the aggregate of his contributions for the purposes of those regulations and within 365 days of such withdrawal re-enters such service the nomination shall continue to apply, subject to the provisions of Regulation 28, if on the said re-entry the teacher pays the periodical contributions which would have been payable under the provisions of this Part had he not been absent from first class service together with compound interest thereon from the date of such withdrawal calculated at the rate of three-and-a-half per cent. per annum.

(4) where a teacher dies while in service or within 365 days after having been in service and he has not had returned to him under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purpose of the said Scheme or after having withdrawn from service in circumstances in which he is eligible for the award of a retiring allowance or gratuity under the provisions, as the case may be, of Regulations 20(2)(*b*) or 24 or 40(1) or 46 of the Principal Regulations and without having re-entered or again re-entered first class service—

(*a*) where the total amount of the periodical contributions paid by such a teacher under the provisions of paragraph (2) of this regulation is not less than the annual sum due to be paid by him under the said provisions, the full amount of the payment due to be made by the teacher under the provisions of paragraph (2) of this regulation shall be deemed to have been paid; or

(*b*) where no periodical contributions have been paid under the provisions of paragraph (2) of this regulation by such a teacher or where the total amount of such contributions paid by such a teacher is less than the annual sum due to be paid by him under the said provisions, it shall be lawful for the Secretary of State to deduct from any Main Scheme payments payable to the personal representative of the teacher an amount equal to the said annual sum or, as the case may be, an amount equal to the difference between the said annual sum and the total amount of the periodical contributions paid by the teacher under the provisions of paragraph (2) of this regulation and on such deduction being made the full amount of the payment due to be made by the teacher under the provisions of paragraph (2) of this regulation shall be deemed to have been paid.

Return of periodical contributions

30.—(1) Subject to the provisions of Regulation 47, where a teacher has returned to him under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme, or, other than in circumstances—

(*a*) in which he is eligible for the award of a retiring allowance under the provisions of the Main Scheme or has been awarded a retiring allowance or a gratuity under the provisions of the said Scheme; or

(*b*) which will enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the Main Scheme; or

(*c*) arising from a period of recognised absence; or

(*d*) arising from a period of employment in English teaching service or teaching service in Northern Ireland; or

(*e*) arising from his having attained the age of 70 years—

is absent from first class service for a period amounting to 365 days or for periods the aggregate of which amounts to 365 days and he has not had returned under the provisions of the said Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme, the nominee or nominees of the teacher shall no longer be entitled to any benefit under the provisions of this Part and where the teacher has been making periodical contributions under the provisions of Regulation 29 in respect of a life pension there shall be returned to him on application being made therefor, a sum equal to one-half of such contributions with interest thereon calculated in accordance with the provisions of Regulation 46.

(2) Periodical contributions paid under the provisions of Regulation 29 in respect of a temporary pension shall not be returnable.

(3) Periodical contributions shall not be returnable where a nomination becomes void.

Benefits

Rates of pension

31.—(1) A teacher may, subject to the provisions of these regulations and to his making the necessary payments under the provisions of Regulation 29, secure for his nominee or nominees a life pension or a temporary pension of any amount specified by him which amount shall be at the annual rate of not less than £30 with annual increases of not less than £10.

(2) The aggregate of the annual rate of pension payable in respect of all his nominees shall not exceed a sum equal to one-sixth of the salary of the teacher at the date of each nomination except in the case where—

(*a*) a valid nomination is made by a woman teacher in favour of a dependent husband in which case the said aggregate may be increased to take account of a maximum amount of life pension payable in respect of the dependent husband at an annual rate not exceeding a sum equal to one-sixth of the salary of the teacher at the date of nomination and a maximum amount of life pension payable in respect of any other dependent adult at an annual rate not exceeding a sum equal to one-sixth of the salary of the teacher at the date of nomination and a maximum amount of life pension payable in respect of an incapacitated child at an annual rate not exceeding £210 and a temporary pension at an annual rate not exceeding £60 for each child; or

(*b*) a valid nomination is made by a teacher—

(i) who has been a married person but whose marriage has been terminated by reason of the death, as the case may be, of the wife or of the husband of the teacher or has been lawfully terminated or is one in respect of which an order for judicial separation has been granted where aliment is not payable; or

(ii) who is an unmarried mother—

in which case the said aggregate may be increased to take account of a maximum amount of life pension payable in respect of a dependent adult at an an-

nual rate not exceeding a sum equal to one-sixth of the salary of the teacher at the date of nomination and a maximum amount of life pension payable in respect of an incapacitated child at an annual rate not exceeding £325 and a temporary pension at an annual rate not exceeding £80 for each child.

(3) Subject to the provisions of these regulations and except as provided in paragraph (2) of this regulation, the annual rate of any temporary pension payable shall not exceed £60.

(4) Where before attaining the age of 60 years, a teacher ceases to pay the periodical contributions due under the provisions of Regulation 29 by reason of his having withdrawn from first class service—

(*a*) in circumstances which would enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the Main Scheme; or

(*b*) to enter English teaching service or teaching service in Northern Ireland—

on application being made by or on behalf of such a teacher for the payment of a retiring allowance under the provisions, as the case may be, of Regulations 20(2)(*a*) or 39 of the Principal Regulations without having re-entered or again re-entered first class service or where application for a return of contributions or a death gratuity under the provisions, as the case may be, of Regulations 25 or 28 or 47 or 51 of those regulations is made in respect of such a teacher the Secretary of State, after such consultation with the Government Actuary as may be necessary, shall determine the amount of the pension or, as the case may be, the amounts of the pensions which shall be deemed to have been paid for in full by the periodical contributions paid by the said teacher under the provisions of the said Regulation 29 and, subject to the provisions of these regulations, the pension or, as the case may be, the pensions payable shall be of the amount or the amounts so determined.

Entitlement to pension

32. Subject to the provisions of these regulations, a pension shall be payable in respect of a nominee under this Part on the death of the teacher where—

(1) the Secretary of State is satisfied that the nominee was wholly or mainly dependent on the teacher at the time of the death of the teacher; and

(2) the teacher had not had returned under the provisions of Regulation 30 a sum equal to the aggregate of the periodical contributions paid by him in respect of the relevant nomination.

Payment of pension

33. Subject to the provisions of these regulations, a life pension shall be payable in respect of the whole period from the date of the death of the teacher until the date of the death of the nominee and a temporary pension shall be payable in respect of the whole period from the date of the death of the teacher until the date of the death of the nominee or until he attains the age of 16 years, whichever is the earlier.

PART V

ADMINISTRATION

Interpretation of Part V

34. In this Part unless the context otherwise requires—

(1) " said Schemes " has the meaning assigned to it by Regulation 36(5)

(2) " the Board " has the meaning assigned to it by Regulation 35(1)

(3) " the Fund " has the meaning assigned to it by Regulation 37(1).

Constitution and procedure of the Board of Management

35.—(1) There shall be a Board of Management consisting of eleven persons (hereinafter referred to as " the Board ") which shall be a body corporate having a perpetual succession and a common seal.

(2) The constitution of the Board shall be—

5 members appointed by the Educational Institute of Scotland
1 member appointed by the Scottish Schoolmasters Association
1 member appointed by the Scottish Secondary Teachers Association
1 member appointed by the Association of County Councils in Scotland
1 member appointed by the Scottish Counties of Cities Association
2 members appointed by the Secretary of State.

(3) Appointments to the Board, other than appointments made by the Secretary of State, shall be made either at special or at ordinary meetings which shall be convened and conducted according to the ordinary rules and practice of the appointing bodies.

(4) The period of office of each member of the Board shall be three years from 1st August next following the date of his appointment. In the event of any vacancy occurring by reason of the retirement, death or otherwise of a member before the expiry of his term of office, the body who appointed the said member or the Secretary of State, as the case may be, shall within 90 days of the intimation of the vacancy appoint a member to fill the vacancy and on such appointment being made the term of office of such member shall be only for the remainder of the then current period of office of the member of the Board whose vacancy he has been appointed to fill.

(5) The Board shall appoint from among its own members one person to be Chairman and another to be Deputy Chairman.

(6) The quorum for the transaction of the business of the Board shall be four members.

(7) Decisions shall be taken by a majority vote of those present and voting and the Chairman shall have an additional or casting vote.

(8) The Secretary of State may appoint an assessor to the Board who shall not have voting powers.

Powers of the Board

36.—(1) The Board may from time to time make rules for the purpose of giving effect to the provisions of this Part.

(2) The Board shall exercise such powers, authorities and discretions as shall be vested in it by these regulations or any rules made thereunder.

(3) The Board may appoint committees consisting of such number of members of the Board as it shall think fit and may delegate any of its powers, save those referred to in paragraphs (5) and (6) of this regulation, to any committee.

(4) Any committee appointed under paragraph (3) of this regulation shall, in exercise of the powers delegated to it, conform to any rules that may be imposed on it by the Board. The meetings and proceedings of any committee shall be governed by the provisions of these regulations pertaining to the meetings and proceedings of the Board so far as the same may be applicable and are not superseded by any rule made for such committee under the provisions of this regulation.

(5) The Board, subject to the approval of the Secretary of State, shall appoint a trustee or trustees who shall be responsible, under the broad general guidance of the Board, for investment transactions in connection with the Widows' and Children's Scheme and the Dependants' Scheme (hereinafter referred to as the " said Schemes ").

(6) Subject to the provisions of paragraph (5) of this regulation, the Board shall be responsible for the reappointment of the trustee or trustees and shall be empowered to withdraw the appointment or reappointment of the said trustee or trustees at any time.

(7) The Board shall consider, and make recommendations to the Secretary of State on, questions of administrative policy concerning the said Schemes which may be referred to the Board by the Secretary of State or by associations representing either local authorities or teachers.

(8) The Board shall review from time to time and in particular at the end of each accounting year the financial outcome of the investment policy adopted in respect of the said Schemes and shall decide the action to be taken in the light of such review.

Establishment of Fund

37.—(1) As from the prescribed day there shall be established a combined Widows' and Children's Scheme and Dependants' Scheme Fund (hereinafter referred to as " the Fund ") for the purposes of the said Schemes.

(2) There shall be carried to the credit of the Fund—

(*a*) all periodical contributions made for the purposes of the said Schemes or sums derived from the surrender of Main Scheme payments for the purposes of the said Schemes;

(*b*) all sums received by way of dividends, interest and other income received out of the investment or use of the Fund or any part thereof; and

(*c*) all other sums and a sum equal to the value of all assets received by the Board.

(3) Any sums carried to the credit of the Fund and any payments from the Fund shall be excluded from the teachers superannuation account kept under the provisions of section 107 of the Education (Scotland) Act 1962.

General Account and Investment Account

38.—(1) The Fund shall be divided into two parts to be called respectively the General Account and the Investment Account.

(2) There shall be paid into or transferred to the General Account—

(*a*) all periodical contributions and all sums derived from the surrender of Main Scheme payments; and

(*b*) such sum or sums as may be required to prevent a deficiency from arising on the General Account and which may be authorised by the Board to be transferred from the Investment Account.

(3) There shall be paid into or transferred to the Investment Account from time to time during each accounting year—

(*a*) a sum or sums equal to the aggregate of the net proceeds of all periodical contributions paid under the provisions of the said Schemes and of all sums derived from the surrender of Main Scheme payments less such sums as are necessary to pay the pensions and any sums payable under the provisions of the said Schemes;

(*b*) the net proceeds of all dividends, interest and other income arising out of the investment or use of the Investment Account or any part thereof; and

(*c*) all other sums and a sum equal to the value of all assets received by the Board.

(4) Subject to the provisions of Regulation 47, there shall be paid out of the General Account the pensions and any sums payable under the provisions of the said Schemes.

(5) There shall be paid by or on behalf of the Board from the Investment Account such sums as are required to negotiate the investment of securities and to meet such sum or sums as may be required to prevent a deficiency from arising on the General Account.

Powers and duties of employing authorities

39.—(1) The Secretary of State shall be responsible for the general administration of the said Schemes, including—

(*a*) carrying out the provisions of the said Schemes relating to participation therein and to requirements and elections to pay for periods of past service for the purposes of Part III;

(*b*) receiving periodical contributions and sums derived from the surrender of Main Scheme payments and for paying an amount equal to the aggregate of such contributions and sums to the credit of the General Account;

(*c*) maintaining a record of the periodical contributions paid and of the valid elections and valid nominations made and of the proposals approved;

(*d*) determining eligibility for the award of pensions;

(*e*) paying out of the General Account the pensions payable under the provisions of these regulations and sums equal to the amounts of the periodical contributions to be returned under the provisions of the said regulations; and

(*f*) performing such consequential, ancillary and incidental functions as appear to him to be necessary or expedient for the carrying out of the purposes of the said Schemes.

(2) The expenses of the general administration of the said Schemes (other than brokerage, stamp duties and registration fees payable in connection with investing the funds of the said Schemes) shall be met by the Secretary of State.

(3) The Secretary of State shall determine any question affecting eligibility for, or the amount of, pensions or periodical contributions under the provisions of the said Schemes and every such determination given by the Secretary of State shall be final and binding on all persons affected thereby and in so determining the Secretary of State shall be entitled to consider and act upon such evidence as he shall deem sufficient.

(4) The Secretary of State shall furnish the Board annually with a report on the administration of the said Schemes and a statement of account of the General Account.

(5) Each education authority, governing body or other body of managers, as the case may be, shall be responsible for the collection, and transmission without any deduction to the Secretary of State, of periodical contributions payable under the provisions of Regulation 45 and for maintaining and forwarding to the Secretary of State immediately after the end of each accounting year a record of the deductions made during the said year from the salary of each teacher in their employment in respect of any periodical contributions due by that teacher under the provisions of these regulations.

(6) The costs incurred by the Secretary of State, education authorities, governing bodies and other bodies of managers in connection with the collec-

tion and transmission to the Secretary of State of periodical contributions and the costs incurred by the Secretary of State in connection with such collection of contributions and the administration of the said Schemes shall not be charged to the Fund and shall be deemed to be the contribution to the said Fund by the employers.

Indemnity of members of the Board and other persons

40. Members of the Board and other persons if any for the time being acting in relation to any of the affairs of the said Schemes, and every one of them and every one of their estates and effects shall be indemnified and secured harmless out of the Investment Account from and against all actions, proceedings, charges, losses, damages and expenses, which they or any of them or any of their personal representatives shall or may incur or sustain by or by reason of any act done or omitted in or about the execution of their duty or supposed duty in their respective offices or trusts, except such, if any, as they shall incur or sustain through or by their own wilful neglect or default; and none of them shall be answerable for the acts, receipts, neglects or defaults of the others or other of them through or by joining in any receipt for the sake of conformity, or for the acts, receipts, neglects or defaults of any bankers or other persons with whom any moneys, investments or effects belonging to the Investment Account shall or may be lodged or deposited for safe custody, or for the inefficiency or deficiency of any security or investment upon which any moneys of the Investment Account shall be placed out or invested, or for any other loss, misfortune or damage which may happen in the execution or purported execution of their respective offices or trusts or in relation thereto, except that the same shall happen by or through their own wilful neglect or default.

Powers of investment

41.—(1) Any moneys in the Investment Account may be invested by the trustee or trustees in or upon the security of such stocks, shares, debentures, debenture stocks or other investments (including any policies of insurance, annuity policies or annuity contracts) whatsoever and wheresoever situate and whether involving liability or not or upon such personal credit with or without security as the trustee or trustees shall in his or their absolute discretion think fit:

Provided that the value at cost of all securities invested in preference, preferred or ordinary stocks and shares shall not exceed 50 per cent. or such other percentage as may be prescribed from time to time by the Secretary of State, of which not more than 10 per cent. may correspond to stocks or shares of any company which are not quoted on any recognised Stock Exchange in the United Kingdom, of the total value at cost of the assets of the Fund as to which the certificate of the auditors shall be conclusive.

(2) The Board may whenever it thinks it desirable so to do raise or borrow any sum or sums of money and may secure the repayment of the same in such manner and upon such terms and conditions in all respects as it may think fit and in particular by charging or assigning all or any part of the Investment Account in security.

(3) Any moneys, investments or other property may be held in the name of the trustee or trustees as nominees on behalf of the Board.

(4) The common seal of the Board shall not be fixed to any deed or other instrument except in accordance with a resolution of the Board and in the presence of the Chairman and one other member of the Board.

(5) Any contract or other instrument of the Board shall, until the contrary is proved, be received as validly executed if it is sealed with the common seal of the Board and signed by the Chairman and one other member of the Board.

Accounts and audit

42.—(1) The Secretary of State shall cause a full and true account of the General Account of all sums of money received and expended by him on behalf of the Board for the purpose of the said Schemes to be prepared and the Board shall cause a full and true account of the Investment Account of all moneys received and expended by them and by the trustee or trustees to be prepared in a form approved by the Secretary of State.

(2) The Fund shall be balanced as soon as may be following the end of each accounting year.

(3) The accounts for each accounting year relating to the Investment Account, together with all the relative vouchers, shall be delivered by the Board not later than 30th September following the end of that accounting year for audit in such manner as the Secretary of State may direct.

(4) The Secretary of State shall cause the General Account to be submitted for audit not later than 30th September following the end of each accounting year.

(5) As soon as may be after the Accounts of the Fund have been audited the Board shall publish the annual accounts of the said Fund, with the report thereon by the auditor, the report by the Secretary of State on the administration of the said Schemes for the period covered by the said accounts, and a report by the Board on matters for which it is responsible (including an abstract of the Investment Account) and copies of these accounts and reports shall on application therefor be made available by the Board free of charge to any contributor under Part III or to any teacher having for the time being in force a valid nomination under Part IV.

Valuations of Fund

43.—(1) The Secretary of State shall cause an actuarial valuation to be made by the Government Actuary at the end of the accounting year ending on 31st March 1971 and of every fifth subsequent accounting year of the assets and liabilities of the Fund. The Government Actuary shall report his findings to the Secretary of State and to the Board, and shall include in his report recommendations for the making good of any deficiency or, as the case may require, for the disposal of any surplus.

(2) Where on such valuation the Government Actuary certifies that a deficiency or a disposable surplus is disclosed the Board shall, within six months after receiving the valuation and report, make to the Secretary of State recommendations for making good the deficiency or, as the case may require, for the disposal of the surplus and the Secretary of State, after consultation with the Board, shall make regulations to amend the provisions of the said Schemes whether by alteration of the rate of benefits or of the rates of periodical contributions or otherwise.

PART VI

FINANCIAL AND GENERAL PROVISIONS

Limitation of amount of periodical contributions

44.—(1) Where a teacher participates in the Widows' and Children's Scheme but not in the Dependants' Scheme, the annual rate of periodical contributions to be paid for the purposes of Method I or Method II shall not, when aggregated with the annual rate of periodical contributions payable under the pro-

visions of Regulation 6 and all annual contributions payable by him for the purposes of the Main Scheme before modification, where appropriate, in respect of National Insurance, be allowed at any time to exceed 15 per cent. of the annual rate of his salary for the time being.

(2) Where a teacher participates in the Dependants' Scheme the annual rate of periodical contributions payable in respect of the Dependants' Scheme shall not, when aggregated with any annual rate of periodical contributions payable under the provisions of Regulations 6 and 14 and all annual contributions payable by the teacher for the purposes of the Main Scheme before modification, where appropriate, in respect of National Insurance, be allowed at any time to exceed 15 per cent. of the annual rate of his salary for the time being.

(3) In calculating, for the purpose of paragraphs (1) and (2) of this regulation, the aggregate amount of periodical contributions payable by a teacher there shall not be included that part of any contributions payable by the said teacher under the provisions of Regulation 12 of the Principal Regulations which is not reckoned as contributions by the teacher.

Deduction, collection and transmission of periodical contributions

45.—(1) Periodical contributions payable under the provisions of these regulations shall be collected by, as the case may be, the education authority, governing body or other body of managers from the salaries of the teachers in their employment and shall be transmitted to the Secretary of State:

Provided that—

(i) periodical contributions payable by a contributor in respect of any period of his current service which is a period of first class service recorded under the provisions of Regulation 12 of the Principal Regulations shall be payable by him or on his behalf directly to the Secretary of State; and

(ii) where the Secretary of State is satisfied that there are special reasons for doing so, he may enable periodical contributions to be paid to him directly by a teacher in circumstances other than those set out in proviso (i) to this paragraph.

(2) It shall be lawful for each education authority, governing body or other body of managers to deduct from the salary of every teacher in their employment any periodical contributions due by that teacher under the provisions of these regulations.

(3) Where any periodical contributions due by a teacher have not been deducted and collected or paid under the provisions of this regulation, the same (together with compound interest thereon from the date when payment became due, calculated at four per cent. per annum with yearly rests) shall be paid to the Secretary of State either directly by the teacher or by the surrender of the appropriate amount from any Main Scheme payments payable to the teacher or to his personal representative.

Calculation of interest on periodical contributions returned

46. For the purpose of calculating the interest to be added to the periodical contributions falling to be returned under the provisions of these regulations—

(1) the periodical contributions made within any accounting year shall be deemed to have been paid to the Secretary of State on 1st October in the said accounting year, and the periodical contributions shown in the relevant annual return required under the provisions of Regulation 39(5) shall be deemed, for the purpose of this regulation, to have been paid to the Secretary of State within the said year; and

(2) compound interest payable on the amount of periodical contributions returned shall be calculated as from 1st October in each accounting year at the rate of three per cent. per annum with yearly rests; and

(3) where interest is payable in respect of a period of less than one calendar year the calculation shall be made in respect of periods of not less than one calendar month up to the end of the month immediately preceding the month in which the payment is made:

Provided that interest shall be calculated and be payable only in respect of periods during which a contributor to the Widows' and Children's Scheme, and a teacher participating in the Dependants' Scheme, was in service and that to the date or dates from which he was first entitled to apply for a return of contributions under the provisions of the Main Scheme or, as the case may be, was again entitled to apply for a return of such contributions or was eligible for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme or was in receipt of such an allowance or gratuity.

Deduction of Income Tax from periodical contributions returned

47. Any periodical contributions falling to be returned and any interest added under the provisions of these regulations shall be reduced by a sum not exceeding an amount equal to any Income Tax payable in consequence of such return.

Pensions of beneficiaries

48.—(1) Subject to the provisions of paragraph (4) of this regulation, a widow's pension or, as the case may be, a widowed mother's pension or a widow's short-service pension shall not be payable or shall, as the case may be, cease if at the date of the death of the contributor the widow was cohabiting with a person other than the deceased contributor or after qualifying for the award of a widow's pension or, as the case may be, a widowed mother's pension or a widow's short-service pension under the provisions of these regulations the widow remarries or cohabits with any person.

(2) Subject to the provisions of paragraph (4) of this regulation, a pension shall not be payable to a female nominee under the Dependants' Scheme or shall, as the case may be, cease if at the date of the death of the teacher the nominee was married or was cohabiting with a person other than the said teacher or after qualifying for the award of the said pension the nominee marries or cohabits with any person.

(3) Subject to the provisions of paragraph (4) of this regulation, payment of a pension under the provisions of the Dependants' Scheme to a nominee who is the dependent husband of the teacher who made the relevant nomination shall cease if after qualifying for the award of such a pension the said dependent husband remarries.

(4) Where a pension does not become payable or, as the case may be, ceases under the provisions of this regulation and the Secretary of State is satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are reasonable grounds for the payment of the pension notwithstanding the marriage the Secretary of State shall have power, at his sole discretion, to make payment of the said pension to the widow or, as the case may be, to the nominee with effect from such date as he considers fit.

Provision of information

49. Any teacher to whom the provisions of these regulations apply shall provide the Secretary of State with such information and such documents as he may from time to time require to enable him to exercise his functions under these regulations.

Extension of time limits

50. The Secretary of State may extend any time within which anything is required to be done under these regulations if he considers that there are reasonable grounds for doing so.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

29th March 1965.

We approve

George Lawson,
J. McCann,
Two of the Lords Commissioners
of Her Majesty's Treasury.

29th March 1965.

Regulation 14

SCHEDULES

SCHEDULE 1

PAYMENT FOR SPECIFIED SERVICE

PART I

METHODS OF PAYMENT AND APPLICATION OF RATES IN PART II

Method I

1. Payment shall be by periodical contributions throughout any period or periods in which the contributor is employed in first class service until the day on which he attains the age of 60 years at the rate ascertained by multiplying the percentage rate of salary set out in column (2) of Table 1 in Part II of this Schedule which is specified opposite to the age attained by the contributor, by the length of the period of specified service for which payment is to be made:

Provided that where the provisions of Regulation 10(2), in the circumstances specified under head (*a*) of the said Regulation 10(2), apply to a contributor who has adopted Method I and—

(i) application is made by or on behalf of such a contributor for the payment of a retiring allowance under the provisions, as the case may be, of Regulations 20(2)(*a*) or 39 of the Main Scheme and since ceasing to be liable for the payment of contributions for the purposes of the said Scheme the contributor had not again become liable for the payment of such contributions; or

(ii) where application for a return of contributions or a death gratuity under the provisions, as the case may be, of Regulations 25 or 28 or 47 or 51 of the Main Scheme is made in respect of such a contributor—

there shall be paid by the surrender from any Main Scheme payments payable in respect of the said contributor a sum equal to the difference between the total amount of periodical contributions which would have been payable by him under the provisions of this paragraph if he had remained in first class service, and in receipt of the same rate of salary as that receivable by him at the date on which he ceased to be liable for the payment of contributions under the provisions of the Main Scheme, until he attained the age of 60 years or until the date of his death, whichever is the earlier, together with compound interest thereon from the date on which the contributor ceased to be liable for the payment of contributions for the purposes of the Main Scheme calculated at the rate of three-and-a-half per cent. per annum with yearly rests, and the amount of such contributions already paid by the said contributor.

Method II

2. Payment shall be by periodical contributions throughout any period or periods in which the contributor is employed in first class service until the day on which he attains the age of 65 years at the rate ascertained by multiplying the percentage rate of salary set out in column (2) of Table 2 in Part II of this Schedule which is specified opposite to the age attained by the contributor, by the length of the period of specified service for which payment is to be made:

Provided that—

(i) where the provisions of Regulation 10(2), in the circumstances specified under head (a) of the said Regulation 10(2), apply to a contributor who has adopted Method II and—

(*a*) application is made by or on behalf of such a contributor for the payment of a retiring allowance under the provisions, as the case may be, of Regulations 20(2)(*a*) or 39 of the Main Scheme and since ceasing to be liable for the payment of contributions for the purposes of the said Scheme the contributor had not again become liable for the payment of such contributions; or

(*b*) where application for a return of contributions or a death gratuity under the provisions, as the case may be, of Regulations 25, or 28, or 47, or 51 of the said Scheme is made in respect of such a contributor; or

(ii) where application is made by or on behalf of a contributor for the payment of a retiring allowance under the provisions, as the case may be, of Regulations 20(2)(*a*) or 39 of the Main Scheme and the contributor has adopted Method II and has attained the age of 60 years but has not attained the age of 65 years or, where application is made by or on behalf of a contributor to whom the provisions of Regulation 7(2) apply for a return of contributions paid by him for the purposes of the said Scheme and the contributor has adopted Method II and has not attained the age of 65 years—

there shall be paid by the surrender from any Main Scheme payments payable in respect of the said contributor a sum equal to the difference between the total amount of periodical contributions which would have been payable by him under the provisions of this paragraph if he had remained in first class service, and in receipt of the same rate of salary as that receivable by him at the date on which he ceased to be liable for the payment of contributions under the provisions of the Main Scheme, until he attained the age of 65 years or until the date of his death, whichever is the earlier, together with compound interest thereon from the date on which the contributor ceased to be liable for the payment of contributions for the purposes of the Main Scheme calculated at the rate of three-and-a-half per cent. per annum with yearly rests, and the amount of such contributions already paid by him.

Method III

3. Payment shall be—

(1) in the case of a contributor to whom Regulation 5(1)(*a*) applies, or in the case of a contributor to whom with effect from a date later than 31st March 1966, Regulation 5(1)(*c*) applies, by the surrender from Main Scheme payments payable in respect of the said contributor of the amount ascertained by multiplying the percentage rate of pensionable

salary set out in column (2) of Table 3 in Part II of this Schedule which is specified opposite to the age attained by the contributor, by the length of the period of specified service for which payment is to be made; and

(2) in the case of a contributor to whom Regulation 5(1)(*b*) applies, or in the case of a contributor to whom with effect from a date before 1st April 1966, Regulation 5(1)(*c*) applies, by the surrender from Main Scheme payments payable in respect of the said contributor of the amount ascertained by multiplying the percentage rate of pensionable salary set out in column (2) of Table 4 in Part II of this Schedule which is specified opposite to the age attained by the contributor, by the length of the period of specified service for which payment is to be made.

Calculation of specified service

4.—(1) For the purpose of calculating the length of a period of specified service to be used in multiplying the rates in column (2) of any of the Tables in Part II of this Schedule a period of less than one complete year shall be expressed as a fraction of a year, the numerator of the said fraction being the number of months in the said part and the denominator being 12. In this paragraph the word " month " shall be construed as meaning 30 days, and in the calculation of the number of months a remainder of 15 days or more shall be reckoned as a month.

(2) The age of a contributor to be used in the calculation of payments to be made under the provisions of this Part shall be—

(*a*) in the case of a contributor who has not attained the age of 55 years, the number of completed years of age attained by him at his last birthday before the day on which he became or again became a contributor, or in the case of such a contributor to whom Regulation 11(1)(iii) and 11(2)(*a*)(ii) applies, before the day on which Regulation 5 applied or, as the case may be, again applied to him; and

(*b*) in the case of a contributor who has attained the age of 55 years, the number of completed years and months of age attained by him before the day on which Regulation 5 applied or, as the case may be, again applied to him.

PART II

TABLES REFERRED TO IN PART I OF THIS SCHEDULE

Table 1

Age (1)	Percentage rate of salary payable up to age 60 (2)
24 or under	.05
25	.05
26	.05
27	.06
28	.06
29	.06
30	.07
31	.07
32	.08
33	.08
34	.09
35	.09
36	.10
37	.10
38	.11
39	.11
40	.12
41	.13
42	.14
43	.15
44	.15
45	.16
46	.18
47	.20
48	.21
49	.23
50	.25
51	.28
52	.31
53	.35
54	.41

Age (1)		Percentage rate of salary payable up to age 60
Completed Years	Completed Months	(2)
55	-	.46
	1	.46
	2	.47
	3	.48
	4	.49
	5	.50
	6	.51
	7	.52
	8	.53
	9	.54
	10	.55
	11	.56
56	-	.57
	1	.58
	2	.59
	3	.60
	4	.61
	5	.62
	6	.63
	7	.65
	8	.67
	9	.69
	10	.71
	11	.73
57	-	.75
	1	.77
	2	.79
	3	.81
	4	.84
	5	.86
	6	.89
	7	.92
	8	.95
	9	.99
	10	1.03
	11	1.07
58	-	1.11
	1	1.16
	2	1.21
	3	1.27
	4	1.33
	5	1.40
	6	1.48
	7	1.57
	8	1.67
	9	1.78
	10	1.90
	11	2.00

Table 2

Age (1)	Percentage rate of salary payable up to age 65 (2)
24 or under	.05
25	.05
26	.05
27	.06
28	.06
29	.06
30	.06
31	.06
32	.07
33	.07
34	.08
35	.08
36	.09
37	.09
38	.10
39	.10
40	.10
41	.11
42	.12
43	.12
44	.13
45	.13
46	.14
47	.15
48	.16
49	.17
50	.18
51	.19
52	.20
53	.22
54	.24

Age (1)		Percentage rate of salary payable up to age 65
Completed Years	Completed Months	(2)
55	-	.26
	1	.26
	2	.26
	3	.26
	4	.26
	5	.27
	6	.27
	7	.27
	8	.27
	9	.28
	10	.28
	11	.28
56	-	.28
	1	.29
	2	.29
	3	.29
	4	.29
	5	.30
	6	.30
	7	.30
	8	.30
	9	.31
	10	.31
	11	.31
57	-	.32
	1	.32
	2	.32
	3	.32
	4	.33
	5	.33
	6	.33
	7	.34
	8	.34
	9	.34
	10	.35
	11	.35
58	-	.36
	1	.36
	2	.36
	3	.37
	4	.37
	5	.38
	6	.38
	7	.38
	8	.39
	9	.39
	10	.40
	11	.40

Age (1)		Percentage rate of salary payable up to age 65
Completed Years	Completed Months	(2)
59	-	.41
	1	.41
	2	.42
	3	.42
	4	.43
	5	.43
	6	.44
	7	.44
	8	.45
	9	.45
	10	.46
	11	.46
60	-	.46
	1	.46
	2	.47
	3	.48
	4	.49
	5	.50
	6	.51
	7	.52
	8	.53
	9	.54
	10	.55
	11	.56
61	-	.57
	1	.58
	2	.59
	3	.60
	4	.61
	5	.62
	6	.63
	7	.65
	8	.67
	9	.69
	10	.71
	11	.73
62	-	.75
	1	.77
	2	.79
	3	.81
	4	.84
	5	.86
	6	.89
	7	.92
	8	.95
	9	.99
	10	1.03
	11	1.07

Age (1)		Percentage rate of salary payable up to age 65
Completed Years	Completed Months	(2)
63	-	1.11
	1	1.16
	2	1.21
	3	1.27
	4	1.33
	5	1.40
	6	1.48
	7	1.57
	8	1.67
	9	1.78
	10	1.90
	11	2.00

Table 3

Age (1)	Percentage rate of pensionable salary (2)	Age (1)	Percentage rate of pensionable salary (2)
24 or under	3.1		
25	3.2	45	3.1
26	3.2	46	3.0
27	3.2	47	3.0
28	3.2	48	3.0
29	3.2	49	2.9
30	3.3	50	2.9
31	3.3	51	2.9
32	3.3	52	2.8
33	3.3	53	2.8
34	3.3	54	2.7
35	3.3	55	2.7
36	3.2	56	2.6
37	3.2	57	2.6
38	3.2	58	2.5
39	3.2	59	2.4
40	3.2	60	2.3
41	3.1	61	2.3
42	3.1	62	2.2
43	3.1	63	2.2
44	3.1	64	2.1

Table 4

Age (1)	Percentage rate of pensionable salary (2)	Age (1)	Percentage rate of pensionable salary (2)
24 or under	3.1		
25	3.2	45	3.0
26	3.2	46	2.9
27	3.2	47	2.8
28	3.2	48	2.7
29	3.2	49	2.6
30	3.3	50	2.5
31	3.3	51	2.5
32	3.3	52	2.5
33	3.3	53	2.5
34	3.3	54	2.5
35	3.3	55	2.5
36	3.2	56	2.5
37	3.2	57	2.5
38	3.2	58	2.5
39	3.2	59	2.4
40	3.2	60	2.3
41	3.1	61	2.3
42	3.1	62	2.2
43	3.1	63	2.2
44	3.1	64	2.1

Regulation 20

SCHEDULE 2

TABLE REFERRING TO WIDOWED MOTHERS' PENSIONS AND WIDOWS' SHORT-SERVICE PENSIONS

Number of completed years of reckonable service credited to the contributor (1)	Annual rate of pension payable (2)
	£
3	58
4	66
5	74
6	82
7	90
8	98
9	106

EXPLANATORY NOTE

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

These regulations provide for the payment of pensions in respect of the widows, children and other dependants of teachers. All men teachers entering first class service for the first time on or after the operative date are compulsorily included in the Widows' and Children's Scheme contained in Part III of the Regulations but existing men teachers may opt out of this Scheme. Both men and women teachers may participate in the Dependants' Scheme contained in Part IV of the Regulations under which, within certain limitations, a teacher may nominate dependent relatives for pensions of such amounts as may be specified by the teacher.

Pensions under the Widows' and Children's Scheme are payable on the contributor's death in respect of his widow and children where he had at least 10 years of reckonable service under the Scheme or at least 3 years of such service where he is survived by his widow and a child under age 19 or by his widow if she is aged 50 or over or by a child where his marriage has been terminated. The annual rate of widow's pension is one-third of the pension to which the contributor was, or would have been, entitled under the Teachers (Superannuation) (Scotland) Regulations 1957. If the annual rate of widow's pension, as thus calculated, is less than £115, a minimum pension at the rate of £115 is payable. Subject to the provisions of the Regulations, widows' pensions and widows' short-service pensions are payable for life. Where the contributor had between 3 and 10 years of reckonable service and leaves a widowed mother with a child under age 19 or a widow aged 50 or over the annual rate of her pension varies between £58 and £106 according to the length of the contributor's service. Payment of the widowed mother's pension ceases when the youngest eligible child reaches the age of 19 but if the widow is then aged 50 or over she becomes entitled to a widow's short-service pension at the same rate as the widowed mother's pension which was formerly payable. The annual rate of children's pension varies from £60 to £325 according to the number of eligible children and whether or not a widow's or widowed mother's pension is also payable.

Contributions to the Widows' and Children's Scheme are payable in respect of current service at the rate of 2 per cent. of the contributor's salary. Payment for past service may be made by additional contributions from salary until the contributor reaches age 60 or 65 or by deduction from the lump sum or death gratuity or contributions returnable under the 1957 Regulations or by a combination of such contributions and deduction. The Regulations make provision for the return, in certain circumstances, of contributions in full or in part to contributors. Interest is payable on such returns of contributions.

Under the Dependants' Scheme a teacher, at any one time, may have one adult and one incapacitated child as nominees for life pensions and up to three children as nominees for temporary pensions. A woman teacher may, in addition, nominate her dependent husband for a life pension. Additional contributions from salary are payable under this Scheme in respect of first class service until the teacher reaches age 60.

The Regulations provide for the establishment of a Board of Management consisting of representatives appointed by bodies representing teachers, local authorities and the Secretary of State and for the appointment of trustees in connection with the investment of funds relating to the Schemes.