STATUTORY INSTRUMENTS

1977 No. 1618 (S. 113)

EDUCATION, SCOTLAND

The Occupational Pension Schemes (Certification of Employments—Teachers) (Scotland) Regulations 1977

Made - - - -	*29th September* 1977
Laid before Parliament	*14th October* 1977
Coming into Operation	*4th November* 1977

In exercise of the powers conferred on me by section 52 of, and paragraphs 8 and 9 of Schedule 2 to, the Social Security Pensions Act 1975(**a**) and sections 166 and 167(3) of the Social Security Act 1975(**b**) as read with section 66(2) of the Social Security Pensions Act 1975 and of all other powers enabling me in that behalf, having considered the report of the Occupational Pensions Board on the draft of these regulations referred to them in accordance with section 61(2) of the Social Security Pensions Act 1975, and after consultation in accordance with paragraph 8(2) of Schedule 2 thereto with such bodies as appear to me fairly to represent the interests of teachers (within the meaning of section 9 of the Superannuation Act 1972(**c**)) employed in Scotland and of the employers of such teachers, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Occupational Pension Schemes (Certification of Employments—Teachers) (Scotland) Regulations 1977, and shall come into operation on 4th November 1977.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security Pensions Act 1975;

"election" means an election with a view to the issue, variation or surrender under Part III of the Act of a certificate (a contracting-out certificate) specifying that employment is to be treated, either generally or in relation to any specified description of earners, as contracted-out employment and the occupational pension scheme by reference to which that employment is to be so treated;

"specified class of employments" has the meaning assigned to it in regulation 2 of these regulations;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to the provisions of any enactment or regulation shall, unless the context otherwise requires, be construed as references to those provisions as amended, modified, extended, applied or re-enacted by any subsequent enactment or regulation.

(**a**) 1975 c. 60. (**b**) 1975 c. 14.
(**c**) 1972 c. 11.

(4) The Interpretation Act 1889(**a**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Employments to which the regulations apply

2. In these regulations the expression "specified class of employments" means employments in which a person's service qualifies him for the benefits provided by the Teachers' Superannuation (Scotland) Regulations 1977(**b**).

Elections, etc. to be made by the Secretary of State

3.—(1) In relation to the specified class of employments—

(*a*) the Secretary of State hereby directs that every election shall be made and revoked by him instead of by the employer;

(*b*) those things which are required or authorised to be done by or to an employer by or under the provisions referred to in paragraph (2) of this regulation shall be done instead by or to the Secretary of State.

(2) The provisions referred to in the last foregoing paragraph are—

(*a*) the provisions of sections 31, 42, 43(4) and (6) of the Act;

(*b*) the provisions of the Occupational Pension Schemes (Certification of Employments) Regulations 1975(**c**);

(*c*) the provisions of the Occupational Pensions Board (Determinations and Review Procedure) Regulations 1976(**d**).

Employments to be treated for certain purposes as employments under a single employer

4. The specified class of employments shall be treated as employments under a single employer different from the employer in any other employment for the purposes of—

(*a*) section 42 of the Act; and

(*b*) regulation 10(3) of the Occupational Pension Schemes (Contracting-out) Regulations 1975(**e**) (termination of periods of contracted-out employment).

Treatment of contributions equivalent premium for accounting purposes

5. Any payment or any refund of a contributions equivalent premium which relates to employment to which these regulations apply, made or received by the Secretary of State under the Act, shall be treated for the purposes of any provision of the Teachers' Superannuation (Scotland) Regulations 1977 relating to the keeping of accounts as if it were made or received under those regulations.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
29th September 1977.

(**a**) 1889 c. 63.
(**b**) S.I. 1977/1360 (1977 II, p. 3981).
(**c**) S.I. 1975/1927 (1975 III, p. 7163).
(**d**) S.I. 1976/185 (1976 I, p. 473).
(**e**) S.I. 1975/2101 (1975 III, p. 7879).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide that, in respect of teachers in Scotland who qualify for benefits under the Teachers' Superannuation (Scotland) Regulations 1977, the Secretary of State instead of the employer shall make or revoke any election with a view to the issue, variation or surrender of a certificate that employment is contracted-out employment under the Social Security Pensions Act 1975.

The Regulations provide also that those things relating to the issue, variation or surrender of such a certificate, which apart from the Regulations would fall to be done by or to the employer, are to be done by or to the Secretary of State.

For certain specified purposes the employments mentioned in the Regulations are deemed to be employments under a single employer.

The payment or refund of a contributions equivalent premium is treated for the purposes of the provisions of the Teachers' Superannuation (Scotland) Regulations relating to accounts as if made or received thereunder.

SI 1977/1618
ISBN 0-11-071618-3

