



Teachers (Superannuation) Act 1956

1956 CHAPTER 53

An Act to amend the Elementary School Teachers (Superannuation) Act, 1898, the Teachers (Superannuation) Acts, 1918 to 1946, and so much of the Education (Scotland) Acts, 1939 to 1953, as relates to superannuation and to the employment of teachers over the age of sixty-five years; and for purposes connected therewith. [5th July, 1956]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PROVISIONS APPLYING TO ENGLAND AND WALES

Accounts and contributions

1 Writing-off of accrued deficiency of contributions

- (1) There shall be added to the sums which, under the Second Schedule to the principal Act, are to be treated as revenue of the teachers' superannuation account for the accounting period ending on the thirty-first day of March, nineteen hundred and fifty-six, such additional amount as may be certified by the Government Actuary to be the amount by which the value at that date of the expenditure which will be required to be included in that account after that date in respect of teachers who then were employed in contributory service or had previously been employed in recognised or contributory service (being expenditure attributable to service on and after the first day of June, nineteen hundred and twenty-two) exceeds the aggregate of—
 - (a) the value at the said thirty-first day of March of the contributions which (apart from the provisions of section four of this Act) will be payable after that date in respect of such teachers, and of the sums which will fall to be credited to

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the said account after that date in accordance with sub-paragraphs (c) and (e) of paragraph 2 of the said Second Schedule; and

- (b) the balance of revenue over expenditure remaining in the said account at the end of the said period.
- (2) The amount required to be added as aforesaid shall be disregarded for the purpose of estimating any sum representing interest which is to be included in the revenue for the said accounting period under sub-paragraph (c) of paragraph 2 of the said Second Schedule.
- (3) For the purpose of calculating the amount to be added as aforesaid, regard shall be had to any future increase in the scales of remuneration of teachers for which provision is made by any order in force under section eighty-nine of the Education Act, 1944, on the thirty-first day of March, nineteen hundred and fifty-six, or which has been approved by the Minister before that date in accordance with regulations made under section one hundred of that Act, but subject as aforesaid the scales of remuneration shall be taken to be those in force on that date.

2 Increase of contributions

- (1) The amount of the contribution to be paid by a teacher under section nine of the principal Act in respect of any period after the commencement of this Act shall be an amount equal to six per cent., instead of five per cent., of the amount of his salary for the time being.
- (2) Subject to the provisions of this Act with respect to supplementary contributions by employers, the amount of the contribution payable under the said section nine by the employer of a teacher in respect of any period after the commencement of this Act shall be an amount equal to six per cent. instead of five per cent., of the amount of the salary for the time being of the teacher.
- (3) The amount payable by a teacher by way of contribution under subsection (1) of section two of the Teachers (Superannuation) Act, 1937 (which enables teachers to make contributions during intervals of contributory service) shall, in lieu of the amount specified in that subsection, be a sum equal to the aggregate of the contributions which would have been payable in respect of the period of absence of the teacher if he had continued throughout that period to be employed in contributory service at the salary described in subsection (2) of that section.
- (4) Subsection (3) of the said section two is hereby repealed; and for the purposes of Part II of the principal Act so much of any sum paid by a teacher under subsection (1) of that section as amended by this section as is equal to the contribution which would have been payable by the teacher if he had continued to be employed as aforesaid shall be treated as having been paid by the teacher by way of teacher's contributions, and the remainder shall be treated as paid by way of employer's contributions.

3 Actuarial inquiries

- (1) The Treasury shall cause an actuarial inquiry to be made by the Government Actuary for the purpose of determining the amount to be added by virtue of section one of this Act to the revenue of the teachers' superannuation account for the accounting period mentioned in that section.

- (2) The Treasury shall cause an actuarial inquiry to be made by the Government Actuary at the end of every fifth subsequent accounting period for the purpose of determining whether, on the basis of the said account, the contributions payable under Part II of the principal Act are sufficient, more than sufficient, or less than sufficient, to support the expenditure required to be included in that account so far as attributable to service on and after the first day of June, nineteen hundred and twenty-two.
- (3) The Treasury shall cause a report by the Government Actuary of every inquiry made in pursuance of this section to be laid before each House of Parliament.
- (4) Section ten of the Teachers (Superannuation) Act, 1945, and in section fifteen of the principal Act the words from " and at the expiration " to the end of the section, are hereby repealed; and this subsection, so far as it repeals the said section ten, shall be deemed to have had effect as from the thirty-first day of March, nineteen hundred and fifty-five.

4 Provisions for supplementary contributions by employers

- (1) If on the making of an inquiry in pursuance of subsection (2) of section three of this Act it appears that the value at the end of the period for which the inquiry is made of the expenditure required to be included in the teachers' superannuation account after the end of that period in respect of teachers who then were employed in contributory service or had previously been employed in recognised or contributory service (being expenditure attributable to service on and after the first day of June, nineteen hundred and twenty-two) exceeds the aggregate of—
 - (a) the value at the end of that period of the contributions payable after the end of that period in respect of such teachers and of the sums falling to be credited to the said account after the end of that period in accordance with sub-paragraphs (c) and (e) of paragraph 2 of the Second Schedule to the principal Act; and
 - (b) the balance of revenue over expenditure remaining in the said account at the end of that period, the Government Actuary's report of the inquiry shall specify the rate per cent. (being a rate of one quarter of one per cent. or of a multiple of one quarter of one per cent.) at which further contributions are required in respect of the salaries of all teachers to whom Part II of the principal Act from time to time applies in order to make good the deficiency by the expiration of a period of forty years beginning with the accounting period next after that in which the report is made.
- (2) Where any such rate is specified in the report as aforesaid, the contributions to be paid under section nine of the principal Act by the employer of any teacher to whom Part II of that Act applies in respect of any period after the expiration of the accounting period in which the report is made, and before the expiration of the accounting period in which the next subsequent report is made in pursuance of subsection (2) of section three of this Act, shall include supplementary contributions calculated in relation to the salary of the teacher for the time being at the rate specified in the report.
- (3) In sub-paragraph (a) of paragraph 2 of the Second Schedule to the principal Act (which provides for the inclusion of teachers' and employers' contributions in the teachers' superannuation account) for the words " a sum equal to that amount " there shall be substituted the words " the amount of the employers' contributions attributable to the period, including any supplementary contributions " .

Miscellaneous amendments

5 Amendments of basis of calculating superannuation allowances

- (1) The superannuation allowances to be granted under section three of the principal Act shall be as follows, that is to say:—
- (a) an annual allowance during life not exceeding an amount calculated by reference to the whole period of service of the teacher which was recognised or contributory service at the rate of one-eightieth of his average salary for a year of service ; and
 - (b) by way of additional allowance, a lump sum not exceeding an amount calculated by reference to the said period at the rate of three-eightieths of the average salary of the teacher for a year of service:

Provided that the period of service of which account is taken for the purposes of this subsection shall not exceed forty-five years, and the period of service served before the teacher attains the age of sixty years of which account is taken for those purposes shall not exceed forty years.

- (2) The provisions of the foregoing subsection relating to additional allowances shall have effect subject to the following transitional provisions:—
- (a) in relation to service before the commencement of this Act, paragraph (b) of that subsection shall have effect as if for the words " three-eightieths" there were substituted the words " one-thirtieth " , but any service of a teacher to be disregarded under the proviso to that subsection shall be taken from the beginning of his service;
 - (b) in relation to an additional allowance payable to a teacher whose service falls partly before and partly after the commencement of this Act, the proviso to that subsection shall apply as if the words from " and the period " to the end were omitted, but the amount of the additional allowance, so far as attributable to service before the age of sixty years, shall not exceed one-and-a-half times his average salary.
- (3) Subsection (3) of section three of the principal Act (which specifies the superannuation allowances to be granted under that section) is hereby repealed ; and any reference to that subsection in the principal Acts shall be construed as a reference to the foregoing provisions of this section.
- (4) The foregoing provisions of this section shall not apply in relation to any annual allowance which began to accrue, or any additional allowance which became payable, before the commencement of this Act.

6 Extension of service to age of 70

- (1) Subject to the provisions of this section, the definitions of " service " contained in section eighteen of the principal Act and in section thirteen of the Teachers (Superannuation) Act, 1945, shall have effect, in relation to service after the commencement of this Act, as if for the words " under sixty-five years of age" there were substituted the words " under seventy years of age " .
- (2) Each of the following provisions of the principal Act, that is to say:—

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- (a) -paragraph (d) of subsection (1) of section three (which provides for the grant of superannuation allowances to teachers who retire on grounds of infirmity before attaining the age of sixty-five years);
- (b) section four (which provides for the grant of short service gratuities to certain teachers who retire as aforesaid);
- (c) subsection (2) of section six (which relates to the reemployment of teachers otherwise than in contributory service or in employment which would be contributory service if they were under the said age); and
- (d) subsection (3) of section twelve (which provides for the repayment of contributions to teachers who have not qualified for superannuation allowances on attaining the said age),

shall have effect as if for any reference to the age of sixty-five years there were substituted a reference to the age of seventy years.

- (3) No contributions shall be payable in respect of a teacher under section nine of the principal Act for any period after he has completed forty-five years of service of which account can be taken for the purposes of paragraph (a) of subsection (1) of section five of this Act.
- (4) For the purpose of ascertaining the amount of any allowance or gratuity under the principal Act in the case of a teacher who has served during any such period as aforesaid, subsection (2) of section ten of that Act (which provides for the calculation of average salary by reference to years of service preceding the commencement or grant of an allowance or gratuity) shall have effect as if for the reference therein to the commencement of an annual superannuation allowance or the grant of an additional allowance or gratuity there were substituted a reference to the beginning of the said period.

7 Calculation of salary and average salary

- (1) Subject to the provisions of this section, the following enactments, that is to say:—
 - (a) paragraph (a) of the proviso to subsection (1) of section ten of the principal Act (which provides that no account shall be taken for the purposes of Part II of that Act of any amount by which a teacher's salary exceeds two thousand pounds per annum, except in the circumstances therein mentioned); and
 - (b) subsection (1a) of that section (which was inserted by the Second Schedule to the Teachers (Superannuation) Act, 1945, and raised the limit imposed by the said paragraph (a) from two thousand to three thousand pounds per annum in the case of future service),

shall cease to have effect, and be deemed never to have had effect, in relation to service on and after the first day of October, nineteen hundred and fifty.

- (2) The foregoing subsection shall not affect any superannuation allowance or gratuity granted under Part II of the principal Act before the commencement of this Act or any contributions in respect of the person to or in respect of whom the allowance or gratuity was granted.
- (3) Where a teacher in respect of whom contributions are for the time being payable under the principal Act suffers a reduction in his salary while continuing to be employed or upon being re-employed in contributory service, the teacher may with the approval of the Minister elect that this subsection shall apply to him ; and in any such case—

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- (a) the contributions payable in respect of the teacher under the principal Act or this Act during any period while he is employed in contributory service (not having withdrawn his election by notice in writing given to the Minister); and
- (b) the average salary of the teacher, so far as ascertained by reference to employment during any such period,

shall be calculated by reference to the salary at which the teacher was last employed before the reduction, or at which he is for the time being employed, whichever is the higher.

Provided that if at any time during the said period the teacher is by reason of sickness receiving part only of his actual salary, the amount of any contributions payable in respect of him under Part II of the principal Act shall be calculated as if he were receiving a proportionate part of any higher salary by reference to which those contributions are required by this subsection to be calculated.

- (4) In relation to any annual allowance which begins to accrue or any additional allowance or gratuity which becomes payable under the principal Acts after the commencement of this Act (not being a supplementary death gratuity payable under subsection (2) of section five of the principal Act in respect of a teacher to whom an annual superannuation allowance had been granted before the commencement of this Act), subsection (2) of the said section ten (which relates to the calculation of average salary) and the definition of the expression "average salary" in section eighteen of the School Teachers (Superannuation) Act, 1918, shall each have effect as if for the words "five years" (wherever occurring) there were substituted the words "three years":

Provided that this subsection shall not operate so as to reduce the amount of any allowance or gratuity payable to or in respect of a person who has not been employed in contributory service after the commencement of this Act.

8 Provision for widows', widowers', children's and dependants' pensions

- (1) The Minister may, with the consent of the Treasury and after consultation with representatives of local education authorities and of teachers affected, make rules providing for the payment of pensions of such amounts, in such cases and subject to such conditions as may be prescribed by the rules to and for the benefit of the widows, widowers, children or other dependants of teachers who die, after such date as may be specified in the rules, being teachers who—
 - (a) have become eligible, whether before or after that date, for the grant of an annual superannuation allowance under subsection (1) of section three of the principal Act; or
 - (b) die while employed in contributory service in circumstances in which they would have become eligible for the grant of such an allowance under paragraph (d) of that subsection if they had then become incapable of serving by reason of infirmity; or
 - (c) having been employed for not less than ten years in service which is recognised or contributory service, die within such period after ceasing to be so employed as may be prescribed by the rules.
- (2) Rules made under this section, so far as they provide for pensions for widows, widowers and children, may apply, irrespective of election, to male or female teachers who enter into contributory service after the date specified in the rules; but except as aforesaid rules so made shall apply only to a teacher who elects that the rules shall apply, or does not elect that the rules shall not apply, in his case.

- (3) For the purpose of supporting the benefits payable by virtue of rules under this section, the rules shall provide for contributions to be made by or in respect of the teachers to whom they apply of such amounts as appear to the Minister to be sufficient for that purpose, such contributions to be satisfied, as the case may be.—
- (a) by means of the reduction, by such amount as may be specified in or determined under the rules, of any additional allowances payable to such teachers under section three of the principal Act after the date specified in the rules, or the refund of such proportion as may be so specified or determined of any additional allowances paid under the said section three to such teachers before that date; or
- (b) by means of the reduction, by such amount as may be so specified or determined, of any sums payable after that date in respect of such teachers by way of death gratuities under section five or return of contributions under section twelve of that Act.
- (4) Section fifteen of the principal Act (which relates to accounts) shall apply in relation to sums received by way of refund of additional allowances in accordance with rules under this section, and in relation to expenditure in respect of benefits payable by virtue of such rules, as it applies in relation to the revenue and expenditure mentioned in that section.
- (5) Rules under this section may apply to pensions payable thereunder, subject to such modifications, if any, as may be specified therein, any of the provisions set out in the First Schedule to the principal Act relating to allowances under that Act.

9 Allocation of part of superannuation benefits to spouse or dependant

- (1) Section one of the Teachers (Superannuation) Act, 1937 (which makes provision for allocation of benefits to spouses or dependants by teachers to whom annual superannuation allowances are granted) shall have effect as if the reference in paragraph (a) of subsection (1) of that section to a teacher to whom an annual superannuation allowance is granted included a reference to a teacher who would have become entitled to such an allowance if he had retired from his employment.
- (2) If a teacher who has surrendered part of any such allowance as aforesaid in pursuance of the said section one while employed in contributory service ceases to be so employed by reason of his death, the said section one shall have effect as if that allowance had commenced immediately before he died.
- (3) In ascertaining for the purposes of the said section one the actuarial equivalent of any part of an allowance which is surrendered by a teacher while employed in contributory service, it shall be assumed that there will be no change in the teacher's state of health between the date on which he makes the surrender and the date of the commencement of the allowance.
- (4) So much of subsection (2) of the said section one as requires the amount of any pension or annuity granted under paragraph (b) of subsection (1) of that section to be reduced to such extent as the Government Actuary considers sufficient to recoup the Minister the cost, as estimated by him, of administering the provisions of the said section one shall cease to have effect in relation to any pension or annuity granted after the commencement of this Act.

10 Increased annual allowance in exchange for surrender of additional allowance

- (1) Any teacher who, after the commencement of this Act, applies for such superannuation allowances as are mentioned in subsection (1) of section five of this Act or in subsection (2) of section one of the School Teachers (Superannuation) Act, 1918, may upon making his application elect to surrender his additional allowance in return for an increase in the amount of his annual allowance.
- (2) The amount of the increase to be made under the foregoing subsection in an annual superannuation allowance shall be actuarially equivalent (according to tables to be prepared from time to time by the Government Actuary) to the value of the allowance surrendered by the teacher.
- (3) Any election made by a teacher under subsection (1) of this section in respect of an additional allowance shall be deemed to extend to any subsequent additional allowance which may be granted to him by virtue of section eleven of this Act, and the increase to be made in the annual allowance of a teacher who has made such an election shall apply to any subsequent annual allowance which may be granted to him by virtue of the said section eleven.
- (4) In relation to a teacher who has made an election under this section, the enactments specified in the first column of the First Schedule to this Act shall have effect subject to the modifications specified in the second column of that Schedule; but, except as aforesaid, any reference in any enactment (including, unless the context otherwise requires, any enactment contained in this Act) to an annual superannuation allowance payable under the principal Act or under the School Teachers (Superannuation) Act, 1918, in respect of that teacher shall be construed as a reference to the allowance as increased by virtue of the election.
- (5) Any reference in this section to a teacher's additional allowance shall be construed as a reference to so much of that allowance as remains after any reduction effected in pursuance of rules under section eight of this Act.

11 Allowances and gratuities in respect of successive periods of service

- (1) The grant to a teacher of an annual allowance, additional allowance or short service gratuity under Part II of the principal Act shall be without prejudice to the grant to him of a subsequent annual allowance, additional allowance or short service gratuity on the termination of any subsequent period of employment in contributory service:

Provided that—

- (a) any subsequent annual allowance shall be in substitution for any annual allowance previously granted to the teacher, and the amount of any such subsequent allowance, exclusive of any increase by virtue of any election under section ten of this Act, shall be not less than the amount of the allowance previously granted, exclusive of any such increase;
- (b) there shall be deducted from the amount of any subsequent additional allowance or short service gratuity the amount of any additional allowance or short service gratuity previously granted to the teacher;
- (c) no subsequent annual allowance or additional allowance shall be granted unless the teacher has been employed in contributory service for a period of, or for periods amounting in the aggregate to, at least twelve months since the last previous grant of such an allowance.

- (2) Where an additional allowance is surrendered in pursuance of an election under section ten of this Act, or the amount of such an allowance reduced in pursuance of rules under section eight of this Act, the foregoing subsection shall have effect, in relation to any subsequent additional allowance or gratuity, as if the first-mentioned allowance had been granted or had not been reduced, as the case may be.
- (3) For the purposes of paragraph (c) of the proviso to subsection (1) of this section so far as it relates to annual allowances, any employment before the commencement of this Act which would have been contributory service if section six of this Act had been in force shall be treated as contributory service.
- (4) Section seven of the Teachers (Superannuation) Act, 1945 (which provides that a subsequent annual allowance shall be of an amount not less than that of an annual allowance previously granted), is hereby repealed.

12 Re-employment of pensioned teachers in contributory service

- (1) If a teacher to whom an annual superannuation allowance has been granted is employed after the commencement of this Act in contributory service, or in employment which would, if he were less than seventy years of age, be contributory service, then—
 - (a) in respect of any period of that employment for which the teacher is entitled to a salary at a rate less than that of the salary at which he was last employed in contributory service before the grant of the allowance, so much only of the allowance shall be paid to him as, with the salary to which he is entitled, is equal to the rate of the salary at which he was last employed as aforesaid; and
 - (b) in respect of any period of that employment for which the teacher is entitled to a salary at a rate not less than that of the salary at which he was last employed as aforesaid, the allowance shall be suspended.
- (2) If the Minister is of opinion that it would be inequitable for a teacher's superannuation allowance to be reduced or suspended in accordance with the provisions of the foregoing subsection, he may, to such extent as he thinks just, disregard for the purposes of that subsection any salary to which the teacher has become entitled in respect of any such employment as is therein mentioned.
- (3) In relation to a teacher who has made an election under section ten of this Act, subsection (1) of this section shall apply to so much only of his annual allowance as would have been payable apart from the election.
- (4) Subsection (1) of section six of the principal Act (which provides for the cessation of the annual allowances of teachers re-employed in contributory service) is hereby repealed; and notwithstanding anything in section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), any allowance which, apart from the said subsection (1), would have been payable to a teacher employed as therein mentioned immediately before the commencement of this Act shall, subject to the foregoing provisions of this section, be revived as from the commencement of this Act.

13 Return of contributions

- (1) If a teacher to whom an annual allowance, additional allowance or short service gratuity has been granted, is employed in contributory service for any period after the commencement of this Act, but is not qualified by virtue of his service during

that period for a subsequent annual allowance at a rate exceeding that of the annual allowance previously granted, or for any further sum by way of additional allowance or short service gratuity, he or his legal personal representatives shall be entitled on his ceasing to be so employed to be repaid a sum equal to the contributions paid by him in respect of that period.

- (2) Any period in respect of which contributions have been repaid to a teacher under this section shall be excluded in reckoning his periods of contributory service unless the teacher is again employed in contributory service and, while so employed, repays a sum equal to the contributions so repaid to him.

14 Allowances and gratuities on retirement on grounds of infirmity

- (1) Where a teacher becomes qualified after the commencement of this Act for the grant of superannuation allowances by virtue of paragraph (d) of subsection (1) of section three of the principal Act (which provides for the grant of such allowances to teachers who retire on grounds of infirmity after not less than ten years of service), then if the teacher—
- (a) is under the age of sixty-five years when he becomes so qualified; and
 - (b) has not then completed twenty years of recognised or contributory service of which account can be taken for the purposes of subsection (1) of section five of this Act,

the said allowances shall be calculated as if the teacher had completed such period of service of which account can be taken as aforesaid, not exceeding twenty years, as he would have completed if he had remained in contributory service until attaining the said age.

- (2) For the purposes of paragraph (a) of subsection (2) of section five of this Act, any additional period of service which a teacher is to be treated under the foregoing subsection as having served shall be deemed to have been a continuous period ending immediately before the commencement of the teacher's actual service.
- (3) A superannuation allowance shall not be granted by virtue of paragraph (d) of subsection (1) of section three of the principal Act to any teacher who is qualified for the grant of superannuation allowances by virtue of paragraph (a) or paragraph (b) or paragraph (c) of that subsection.
- (4) Section four of the principal Act (which provides for the grant of short service gratuities to certain teachers who retire on grounds of infirmity) shall have effect in relation to a teacher retiring after the commencement of this Act as if for the words from " of an amount" to the end of the section there were substituted the words " not exceeding an amount calculated by reference to the whole period of his said service at the rate of one-twelfth of his average salary for a year of service ".

15 Extension of principal Acts to teachers in schools accepted by Minister

- (1) Subject to the provisions of this section, the principal Acts shall have effect, as from such day as may be appointed by rules under this section, as if the expression " contributory service", as defined in section one of the Teachers (Superannuation) Act, 1945, included full-time service after that day as a teacher in any school which immediately before that day was an accepted school for the purposes of the Teachers Superannuation (Accepted Schools) Scheme, 1948.

- (2) After the day appointed as aforesaid the Minister may accept for the purposes of this section, in accordance with such provisions as may be contained in rules under this section, any school in which service as a teacher is not contributory service for the purposes of the said Acts, and thereupon, as from the date of acceptance, the said Acts shall have effect as if the expression " contributory service " included service as a teacher in that school, and for the purposes of section three of the Teachers (Superannuation) Act, 1945, a teacher employed in that school on the date of acceptance shall be deemed to become employed in contributory service on that date.
- (3) The Minister may make rules for any of the following purposes, that is to say:—
- (a) for treating, for such purposes and subject to such exceptions and conditions as may be specified in the rules, service as a teacher before the day appointed as aforesaid, being service which at the material time was contributory service under the Teachers Superannuation (Accepted Schools) Scheme, 1948, as if it had been contributory service for the purposes of the said Acts;
 - (b) for including in the teachers' superannuation account revenue and expenditure which immediately before the day appointed as aforesaid was included in the account kept under clause 11 of the said Scheme ;
 - (c) for excepting from the provisions of this section—
 - (i) persons who immediately before the day appointed as aforesaid were excepted from the provisions of the said Scheme ;
 - (ii) persons not so excepted who elect, in accordance with the rules, to be excepted from the provisions of this section ; and
 - (iii) any person who for the time being is or is required by the rules to be treated as the proprietor of a school to which this section applies ;
 - (d) for empowering the Minister to direct, on such grounds as may be specified in the rules, that the provisions of this section and of any rules made thereunder shall cease to apply to any school specified in the direction, but without prejudice to its subsequent acceptance for the purposes of this section ; and
 - (e) for any transitional, incidental or supplementary matters for which the Minister thinks it necessary or expedient to provide.
- (4) In this section " school " includes any place of education ; and references in this section to the Teachers Superannuation (Accepted Schools) Scheme, 1948, are references to that scheme as amended by the Teachers Superannuation (Accepted Schools) Amending Scheme, 1954.

16 Recognition of teachers in respect of service before Act of 1945

- (1) If it appears to the Minister that any teacher would, in relation to any period of his service before the commencement of the Teachers (Superannuation) Act, 1945, have been recognised under the regulations of the Board of Education for the time being in force for public elementary schools as a certificated teacher or an uncertificated teacher or a teacher of a special subject, if anything required to be done for the purpose of obtaining such recognition had been duly done, the Minister may direct that the teacher shall be treated, in relation to that period of service, as if he had been so recognised, and the principal Acts shall have effect accordingly.
- (2) Without prejudice to the generality of the foregoing subsection, any sums payable by way of contributions in respect of the period of service to which such a direction relates, and any amounts or additional amounts payable by virtue of the direction in respect of any superannuation allowance or gratuity which fell due or would (if the

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teacher had been then recognised as aforesaid) have fallen due before the direction was given, shall be paid.

- (3) Any sums which are payable by virtue of the last foregoing subsection and would, if the teacher in question had been recognised as mentioned in subsection (1) of this section, have been paid by an authority whose liabilities in respect of functions relating to education were transferred by virtue of the Education Act, 1944, to the council of a county, shall be paid by that council.

17 Amendment of Teachers (Superannuation) Act, 1937, s. 2

In paragraph (a) of subsection (1) of section two of the Teachers (Superannuation) Act, 1937 (which provides for payment of contributions by teachers whose contributory service is discontinued during employment in teaching service outside the United Kingdom for a period not exceeding five years or such longer period as the Minister may direct in the special circumstances of a particular case), the words " the special circumstances of" shall be omitted, and after sub-paragraph (iii) there shall be inserted the following sub-paragraph—

“(iv) as a teacher in any school maintained within the United Kingdom by the Government of any part of Her Majesty's dominions outside the United Kingdom ; or”.

18 Further provisions as to service in schools abroad

- (1) Where any person, not having previously been employed in contributory service, becomes employed as a teacher in any school to which this section applies, or is so employed in such a school at the commencement of this Act, the Minister may, upon application made in the prescribed manner, give directions authorising the payment of contributions in respect of his employment in that school during any period not exceeding five years, or not exceeding such longer period as the Minister may in a particular case direct, from such date as may be specified in the directions.
- (2) The amount of the contributions payable under this section in the case of a teacher shall be equal to the sum of the contributions which would be payable under section nine of the principal Act by the teacher and his employer if the teacher were for the time being employed in contributory service at his notional salary as defined by this section; and such contributions shall be paid to the Minister at such times as the Minister may direct, and may be paid either by the teacher or by the person by whom he is employed in the school to which this section applies or as to part by the teacher and the remainder by that person,
- (3) If within two years after the expiration of the period for which contributions have been duly paid in accordance with this section in respect of a teacher, or within such longer period as the Minister may in any particular case allow, the teacher becomes employed in contributory service, or in such service in Scotland as is mentioned in paragraph (a) of subsection (1) of section thirteen of the principal Act, the period for which those contributions were paid shall be treated for the purposes of the principal Acts, as a period during which he was employed in contributory service.
- (4) In any case to which subsection (3) of this section does not apply, an amount equal to so much of the contributions paid under this section in respect of the employment of a teacher as represents contributions which would have been payable by the teacher under section nine of the principal Act if he had been employed in contributory service shall be repaid to him or, as the case may be, to his legal personal representatives,

together with compound interest (calculated with yearly rests at the rate of three per cent. per annum) from the prescribed date.

- (5) The Minister may, with the consent of the Treasury, make rules—
- (a) for applying in relation to contributions payable by virtue of this section, subject to such modifications as may be specified in the rules, any provisions of the principal Acts, or of rules made under section seventeen of the principal Act, being provisions which relate to the payment of contributions under Part II of the principal Act otherwise than by deduction from salary or to the repayment to teachers or their legal personal representatives of contributions under the said Part II; and
 - (b) for prescribing anything which is required by this section to be prescribed.
- (6) This section applies to any school outside the United Kingdom, the Isle of Man and the Channel Islands, being a school which is shown to the satisfaction of the Minister to be one in which it is expedient to facilitate the employment of teachers from Great Britain; and for the purposes of subsec-section (2) of this section the expression "notional salary", in relation to a teacher, means the salary which in the opinion of the Minister he would for the time being receive if employed upon the terms of the reports of the Burnham Committees for the time being in force under section eighty-nine of the Education Act, 1944.

19 Further provision as to employment of value to teachers

- (1) If the Minister is satisfied, on application made to him within such time and in such manner as may be prescribed by rules under this section by a teacher employed in contributory service—
- (a) that the teacher, when first so employed, was between such ages as may be so prescribed; and
 - (b) that before he was first so employed the teacher was engaged in other employment providing experience of value to him as a teacher,
- the Minister may direct that, subject to the payment by the teacher of additional contributions in accordance with this section, any period of that other employment, not exceeding five years, shall be treated for the purpose of calculating the amount of any allowance or gratuity payable to or in respect of the teacher under the principal Act as if it were a period of contributory service.
- (2) The additional contributions to be paid by a teacher in respect of whom directions are given under this section shall be of such amount, and shall be payable at such times in such manner, as may be prescribed by rules under this section; and the amount so prescribed in relation to teachers of any class shall be such as appears to the Minister, according to tables to be prepared from time to time by the Government Actuary, to be sufficient to support the increase attributable to this section in the amount of any allowances or gratuities payable to them under the principal Act.
- (3) The Minister may, with the consent of the Treasury, make rules for prescribing anything to be prescribed by rules under this section; and such rules may apply in relation to the additional contributions payable under this section any provisions of the principal Act or of rules made thereunder with respect to contributions payable by teachers under that Act (including provisions with respect to the return of contributions to teachers who do not qualify for allowances or gratuities) subject to such modifications as may be prescribed by the rules.

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- (4) Nothing in this section shall be construed as authorising any period of employment to be treated as a period of contributory service for the purpose of determining whether a teacher is qualified for the grant of an allowance or gratuity under the principal Act.
- (5) For the purposes of paragraph (b) of subsection (1) of this section the expression "employment" does not include service undertaken by virtue of an enlistment notice or a training notice served under Part I of the National Service Act, 1948, or work or training in pursuance of an order made or direction given under the said Part I in respect of a conditionally registered conscientious objector.

20 Duplicate pensions

In subsection (1) of section seven of the principal Act (which enables the Minister to make deductions from the benefits awarded under Part II of that Act where the relevant service of a teacher is also reckoned for the purpose of any other pension or allowance payable to the teacher out of public moneys or under a pension scheme) the words "or under a pension scheme" are hereby repealed.

21 Intervals of payments of annuities and allowances

Subsection (1) of section nine of the Elementary School Teachers (Superannuation) Act, 1898 (which provides that annuities and allowances under that Act shall be payable quarterly at such times and in such manner as the Treasury may fix), section seven of the School Teachers (Superannuation) Act, 1918 (which provides that annual superannuation allowances shall be payable quarterly as aforesaid) and the said section seven as incorporated in the First Schedule to the principal Act shall have effect as if the word "quarterly" were omitted.

22 Payment of deferred annuities under Elementary School Teachers (Superannuation) Act, 1898

All deferred annuities payable at any time after the commencement of this Act under the Elementary School Teachers (Superannuation) Act, 1898, shall be paid by the Minister instead of by the National Debt Commissioners; and accordingly in subsection (3) of section twelve of the School Teachers (Superannuation) Act, 1918, for the words "by the National Debt Commissioners in such manner as the Treasury direct" there shall be substituted the words "by the Minister of Education",

and in subsection (4) of that section for the words "payment by the National Debt Commissioners" there shall be substituted the words "payment by the Minister of Education".

23 Consequential and other provisions as to approved external service

The provisions of the Second Schedule to this Act (being provisions consequential on the foregoing provisions of this Act or effecting minor amendments) shall have effect in relation to teachers who have been employed in approved external service as defined in subsection (1) of section thirteen of the principal Act, as well as in recognised or contributory service.

Supplementary

24 Saving for National Insurance Act, 1946

The amendments made by this Part of this Act with respect to contributions and allowances under the principal Acts shall not affect the reductions made in those contributions and allowances by regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946, and the power under that subsection to modify enactments shall extend to enactments contained in this Part of this Act.

25 Application of Statutory Instruments Act

Any power to make rules under this Part of this Act shall be exercisable by statutory instrument; and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

26 Extent and interpretation of Part I

- (1) This Part of this Act (including the Schedules to this Act) shall extend to England and Wales only.
- (2) In this Part of this Act (including the said Schedules)—
 - " the Minister " means the Minister of Education;
 - " the principal Act " means the Teachers (Superannuation) Act, 1925;
 - " the principal Acts " means the Teachers (Superannuation) Acts, 1918 to 1946 ;
 - " teacher " includes any person to whom the principal Acts apply as if he were a teacher ;
 - " the teachers' superannuation account " means the account required to be kept under section fifteen of the principal Act;and other expressions have the same meanings, and shall be construed in the same manner, as in the principal Act.
- (3) References in this Part of this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

PART II

PROVISIONS APPLYING TO SCOTLAND

27 Dismissal of teacher with forty-five years' service

The provisions of section eighty-one of the Education (Scotland) Act, 1946 (hereinafter referred to as the " Act of 1946 "), in so far as they relate to the dismissal of certificated teachers shall not apply to a teacher who has completed forty-five years of service or of service and second class service.

28 Election by teachers for provisions of the scheme

A teacher who has elected under subsection (2) of section one hundred of the Act of 1946 that the Teachers Superannuation Scheme as modified by. amendments taking

effect on or after the first day of April, nineteen hundred and twenty-six, shall not apply to him, shall notwithstanding the said election, be entitled to elect that any provision included in the said Scheme by virtue of this Act shall apply to him.

29 Contributions towards benefits under Teachers Superannuation Scheme

(1) For section one hundred and three of the Act of 1946 (which relates to contributions towards benefits under the Teachers Superannuation Scheme) there shall be substituted the following section:—

(1) In respect of every teacher employed in service the following contributions shall be paid in respect of any period after the commencement of the Teachers (Superannuation) Act, 1956, to the Secretary of State towards the cost of providing benefits under the Scheme, that is to say:—

- (a) an amount to be paid by the teacher equal to six per centum of his salary for the time being; and
- (b) an amount to be paid by the education authority, governing body or other body of managers by whom the teacher is employed, equal to six per centum of the salary for the time being of the teacher:

Provided that—

- (i) no contribution shall be payable in respect of a teacher after he has completed forty-five years of employment in service or in service and second class service for the purpose of calculating the amount of the annual allowance payable to him;
 - (ii) where a teacher suffers a reduction in his salary while continuing to be employed, or upon being re-employed, in service, or upon being employed in service after employment in second class service, the teacher may, with the approval of the Secretary of State, elect that for the purposes of this Act and of the Teachers Superannuation Scheme (hereinafter referred to as "the Scheme") his salary during any period while he is employed in service (not having withdrawn his election by a notice in writing given to the Secretary of State) shall be taken to be the salary at which he was last employed before the reduction or at which he is for the time being employed, whichever is the higher; and
 - (iii) where a teacher by reason of sickness is receiving part only of his salary, the amount of any contribution payable in respect of him shall be calculated as if that part were his salary, or, during any period to which the last foregoing paragraph of this proviso applies, as if he were receiving a proportionate part of the salary which is taken to be his salary by virtue of the said paragraph.
- (2) Where the Government Actuary's report of any inquiry made under subsection (4) of section one hundred and six of this Act specifies in accordance with the provisions of subsection (5) of the said section a rate at which further contributions supplementary to those payable under the last foregoing subsection are required, the contributions to be paid by the employer under the last foregoing subsection in respect of any period after the expiration of the accounting period in which the report is made, and before the expiration of the accounting period in which the next subsequent report is made in pursuance of subsection (4) of the said section, shall include supplementary contributions calculated in relation to the salary for the time being of the teacher at the rate specified in the certificate.

- (3) Where the teacher is one to whom modifications of the Scheme, made by regulations under subsection (4) of section sixty-nine of the National Insurance Act, 1946, apply, the amounts payable by the teacher and by his employer under subsection (1) of this section after the date on which the said modifications first applied to the teacher shall, unless the Scheme otherwise requires, each be reduced by an amount calculated at the rate of two pounds eight shillings a year in the case of contributions in respect of a teacher who is a man and at the rate of two pounds nineteen shillings a year in the case of contributions in respect of a teacher who is a woman.
- (4) The payments due under this section shall be collected by the Secretary of State from the education authority, governing body or other body of managers either directly or by deduction from any grants that may accrue under any regulations or code made by the Secretary of State, and it shall be lawful for each education authority, governing body or other body of managers to deduct six per centum from the salary of every" teacher in their employment in respect of whom payments are due under this section :

Provided that, where any payment due by a teacher has not been so deducted and collected, the same (together with compound interest thereon from the date when the payment became due, calculated at four per centum per annum with yearly rests) shall be recoverable by the Secretary of State either directly from the teacher or by deduction from any sum payable to him or to his personal representatives under the Scheme.
- (5) For the purposes of this section the salary of a teacher shall be calculated in accordance with the Scheme or rules made thereunder.”
- (2) The power under subsection (4) of section sixty-nine of the National Insurance Act, 1946, to modify enactments shall extend to section one hundred and three of the Act of 1946 as amended by the last foregoing subsection.

30 Teachers superannuation account and actuarial inquiries

- (1) For section one hundred and six of the Act of 1946 (which relates to the keeping of an account relating to the Teachers Superannuation Scheme and actuarial inquiries) there shall be substituted the following section:—
 - (1) There shall be kept in accordance with the directions contained in the Fourth Schedule to this Act an account (in this Part of this Act referred to as " the teachers superannuation account ") in such form and prepared in such manner as may be determined by the Secretary of State, after consultation with the Treasury, of all revenue and expenditure under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, and under this Part of this Act. There shall be included in the said revenue or expenditure any sums which are under the said Schedule to be deemed respectively to be revenue or expenditure and any amounts which for the purposes of any provisions relating to accounts and actuarial investigations contained in regulations made by the Secretary of State under subsection (1) of section sixty-six of the National Health Service (Scotland) Act, 1947, are treated as if they were payable by or to the Secretary of State.
 - (2) The Secretary of State shall cause an actuarial inquiry to be made by the Government Actuary at the end of the accounting period ending with the

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thirty-first day of March, nineteen hundred and fifty-six for the purpose of determining the amount to be added by virtue of the next following subsection to the revenue of the teachers superannuation account.

- (3) There shall be added to the sums which under the said Fourth Schedule are to be treated as revenue of the teachers superannuation account for the accounting period ending on the thirty-first day of March, nineteen hundred and fifty-six such additional amount as may be certified by the Government Actuary to be the amount by which the value at that date of the expenditure attributable to service on or after the first day of June, nineteen hundred and twenty-two which will be required to be included in that account after that date in respect of teachers who then were, or had formerly been, employed in service exceeds the aggregate of—
- (a) the value at the said thirty-first day of March of the contributions which (apart from the provisions of subsection (2) of section one hundred and three of this Act) will be payable after that date in respect of such teachers, and of the sums which will fall to be credited to the said account after that date in accordance with sub-paragraphs (c) and (e) of paragraph 2 of the said Fourth Schedule; and
 - (b) the balance of revenue over expenditure remaining in the said account at the end of the said period:

Provided that

- (i) for the purpose of calculating the amount to be added as aforesaid the scales of remuneration of teachers shall be taken to be those in force on the thirty-first day of March nineteen hundred and fifty-six with the addition of any increases thereof prescribed by regulations whereof a draft was published under section fifty-nine of this Act on the fourth day of January nineteen hundred and fifty-six; and it shall be assumed that the policy of equating the salaries of men and women teachers by seven annual increases of women's salaries, the first of which was made in the salary year ending on the thirty-first day of March, nineteen hundred and fifty-six, will be implemented; and
 - (ii) the amount required to be added as aforesaid shall be disregarded for the purpose of estimating any sum representing interest which is to be included in the revenue for the said accounting period under sub-paragraph (c) of paragraph 2 of the said Fourth Schedule.
- (4) The Secretary of State shall cause an actuarial inquiry to be made by the Government Actuary at the end of the accounting period ending on the thirty-first day of March, nineteen hundred and sixty-one and of every fifth subsequent accounting period for the purpose of determining whether, on the basis of the teachers superannuation account contributions payable under this Part of this Act are sufficient, or more than sufficient or less than sufficient, to support the expenditure required to be included in that account so far as attributable to service on or after the first day of June, nineteen hundred and twenty-two.
- (5) If on the making of an inquiry in pursuance of the last foregoing subsection it appears that the value at the end of the period for which the inquiry is made of the expenditure attributable to service on or after the first day of June, nineteen hundred and twenty-two, required to be included in the teachers superannuation account after the end of that period in respect of teachers who

then were, or had previously been, employed in service exceeds the aggregate of—

- (a) the value at the end of that period of the contributions payable after the end of that period in respect of such teachers and of the sums falling to be credited to the teachers superannuation account after the end of that period in accordance with sub-paragraphs (c) and (e) of paragraph 2 of the said Fourth Schedule; and
- (b) the balance of revenue over expenditure remaining in the said account at the end of that period,

the Government Actuary's report of the inquiry shall specify the rate per centum (being a rate of one quarter of one per centum or of a multiple of one quarter of one per centum) at which further contributions supplementary to those payable under subsection (1) of section one hundred and three of this Act are required in order to make good the deficiency by the expiration of the period of forty years beginning with the accounting period next after that in which the report by the Government Actuary is made.

- (6) The Secretary of State shall cause a report of every inquiry under this section to be laid before both Houses of Parliament.”

- (2) The requirement of the Secretary of State under subsection (2) of section one hundred and six of the Act of 1946 for the holding of an actuarial inquiry as at the thirty-first day of March, nineteen hundred and fifty-five as to the sufficiency of contributions to support the benefits payable in respect of service subsequent to the thirty-first day of May, nineteen hundred and twenty-two shall cease to have effect.

31 Payment of deferred annuities under 61 and 62 Vict. c. 57

For section one hundred and seven of the Act of 1946 (which relates to the payment of deferred annuities under the Elementary School Teachers (Superannuation) Act, 1898) the following section shall be substituted:—

All deferred annuities payable at any time after the commencement of the Teachers (Superannuation) Act, 1956, in respect of Scottish contributions to the deferred annuity fund established under the Elementary School Teachers (Superannuation) Act, 1898, shall be paid by the Secretary of State; and any sums required by the Secretary of State for making payments under this section shall be charged on and issued out of the consolidated fund.”

32 Interpretation of Part IV of Act of 1946

Subsection (1) of section one hundred and eight of the Act of 1946 (which relates to the interpretation of Part IV of the Act of 1946) shall be amended:—

- (1) by the substitution of the following definition for the definition of " pensionable salary " in relation to any annual allowance which begins to accrue or to any additional allowance or gratuity which becomes payable under the Teachers Superannuation Scheme after the commencement of the Teachers (Superannuation) Act, 1956 (not being a supplementary death gratuity payable in respect of any teacher who had retired before the commencement of the said Act):—

“ Pensionable salary ' in relation to a teacher means the amount representing the average salary of the teacher during such number of years as may be prescribed, being years immediately before—

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- (a) the day on which he retired, or
- (b) if he served after completing forty-five years of service or of service and second class service for the purpose of calculating the amount of the annual allowance payable to him, the day upon which he completed the said forty-five years of service:

Provided that—

- (i) if under paragraph (ii) of the proviso to subsection (1) of section one hundred and three of this Act the contributions in respect of any teacher are during any part of the prescribed period calculated upon a higher salary than the salary he is actually receiving, the said higher salary shall as respects that part of the prescribed period be taken into account in calculating the average salary of the teacher; and
 - (ii) if during any part of the prescribed period a teacher by reason of sickness receives part only of his salary, the salary which he would but for the said reason have received shall as respects that part of the said period be taken into account in calculating the average salary of the teacher”; and
- (2) by the insertion of the following definition after the definition of " prescribed " :—
- “" service " means first class service, and the expressions " first class service " and " second class service " have the meanings respectively assigned to them by the Superannuation Scheme for Teachers (Scotland), 1952.”

33 Amendment of Part I of the Third Schedule to the Act of 1946

Part I of the Third Schedule to the Act of 1946 (which Part relates to provisions to which the Teachers Superannuation Scheme shall give effect) shall be amended:—

- (1) by the substitution for sub-paragraph (1) of paragraph 2 in relation to any annual allowance which begins to accrue, or to any additional allowance which becomes payable, after the commencement of this Act of the following sub-paragraphs:—
- “(1) for the payment on retirement after attaining the prescribed age, or on retirement in case of permanent incapacity, of a retiring allowance which shall be—
- (a) an annual allowance during life not exceeding an amount calculated by reference to the whole period of service of a teacher at the rate of one-eightieth of his pensionable salary for a year of service, and
 - (b) by way of additional allowance, a lump sum not exceeding an amount calculated by reference to the whole period of service of the teacher at the rate of three-eightieths of the pensionable salary of the teacher for a year of service:

Provided that—

- (i) a retiring allowance shall not be payable in respect of less than ten completed years of service or of service and second class service; and
- (ii) a retiring allowance shall not be granted on grounds of permanent incapacity to a teacher who has qualified for a retiring allowance on grounds of age ; and
- (iii) the amount of the additional allowance in respect of the period before the commencement of the Teachers (Superannuation) Act,

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1956, shall be calculated at the rate of one-thirtieth of the pensionable salary of the teacher for a year of service;

(1A) for securing that the period of service or of service and second class service of which account may be taken shall not exceed forty-five years, of which, for the calculation of the annual allowance, not more than forty shall be years before the teacher attained the age of sixty years; that where a teacher is granted a retiring allowance in case of permanent incapacity and has not completed twenty years of service or of service and second class service, his retiring allowance shall be calculated as it would have been if he had completed twenty years of service or such shorter period as he would have completed if he had continued to be employed in service until the prescribed age; and for such consequential, transitional and other matters as appear to the Secretary of State to be necessary for the carrying out of the purposes of this sub-paragraph”;

(2) by the substitution for sub-paragraph (8) of the said paragraph of the following sub-paragraph:—

“(8) for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be prescribed, a teacher who has attained the age of sixty years shall be allowed to surrender as from the date of commencement of an annual allowance granted or to be granted to him under the Teachers Superannuation Scheme such part not exceeding one third of the allowance as may be specified, in return for benefits to be prescribed, and for enabling the Secretary of State to grant, in return for such surrender as aforesaid, according as the teacher may in conformity with rules under the Teachers Superannuation Scheme elect, either—

- (a) to the spouse or to a dependant of the teacher a pension payable in respect of the period, if any, for which the spouse or dependant survives the teacher; or
- (b) to the teacher an annuity payable as from the date of commencement of the annual allowance in respect of the period of the joint lives of himself and his spouse and to the spouse a pension payable in respect of the period, if any, for which the spouse survives the teacher:

Provided that—

- (i) for the purposes of this paragraph a teacher who dies in service after having surrendered part of the annual allowance to be awarded to him, shall be deemed to have been granted the annual allowance which would have been granted to him if he had retired on the day before his death;
- (ii) the amount of said pension or the amounts of the said annuity and pension, as the case may be, shall be such that the value or the aggregate value, shall be actuarially equivalent (according to tables to be prepared from time to time by the Government Actuary), at the date of the commencement of the annual allowance, to the value of that part of the allowance which is surrendered; and
- (iii) in ascertaining for the purpose of the last foregoing sub-paragraph of this proviso the actuarial equivalent of the part of the annual allowance which is surrendered by the teacher before retirement, it shall be assumed that there has been no change in the teacher's state

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of health between the date on which he makes the surrender and the date as from which the annual allowance is awarded or deemed to be awarded;”and

(3) by the substitution for sub-paragraph (10) of the said paragraph of the following sub-paragraphs:—

“(10) for enabling a teacher whose service is discontinued—

- (a) for a period not exceeding five years, or not exceeding such longer period as the Secretary of State may in any case direct, in the case of a teacher who during that period is employed—
 - (i) as a teacher in any part of Her Majesty's dominions outside the United Kingdom, or
 - (ii) as a teacher in any school in a foreign country which is shown to the satisfaction of the Secretary of State to be a school in which it is expedient to facilitate the employment of British teachers, or
 - (iii) in an educational service outside the United Kingdom in employment which to a substantial extent involves the control or supervision of teachers, or
 - (iv) as a teacher in any school maintained within the United Kingdom by the Government of any part of Her Majesty's Dominions outside the United Kingdom ; or
- (b) for such period not exceeding five years as the Secretary of State may approve for the purpose of enabling a teacher to gain special experience of value in teaching ; or
- (c) for a period not exceeding one year in any other case,

to pay to the Secretary of State with his consent in respect of such part of the period as is before the commencement of the Teachers (Superannuation) Act, 1956, sums equal to ten per centum of his salary at the date of discontinuing service, and in respect of such part of the period as is after the commencement of the said Act sums equal to the aggregate of the contributions which would have been payable in respect of the said part of the said period of absence if the teacher had continued throughout that part to be employed in service at his salary as at the date of discontinuing service; for enabling the said period to be reckoned as a period of service; and for determining the amount of such payments which shall be reckoned as contributions by the teacher:

(11) for enabling the Secretary of State on the application of a teacher who entered service after gaining experience which, in the opinion of the Secretary of State, is or is likely to be of value to him as a teacher, to approve the said experience and to intimate to the teacher the period not exceeding five years which, in respect of the said experience may be deemed a period of service; the purposes for which and the conditions (including payment of additional contributions) on which the said service may be recorded and, if the teacher intimates his agreement and undertakes to fulfil the said conditions, for the said period to be deemed a period of service and to be recorded accordingly, and for such consequential and other matters as may appear to the Secretary of State to be necessary for the carrying out of this paragraph:

Provided that a period during which the teacher was undergoing whole-time education or whole-time training for the teaching profession or apprenticeship to a profession or trade or was engaged in service by virtue of an enlistment notice or a training notice served under Part I of the National Service Act, 1948, or any work or training in pursuance of an order made or direction given under the said Part I in respect of a conditionally registered conscientious objector shall not be so approved.”

34 Amendment of Part II of the Third Schedule to the Act of 1946

Part II of the Third Schedule to the Act of 1946 (which Part relates to provisions to which the Teachers Superannuation Scheme may give effect) shall be amended:—

(1) by the insertion after paragraph 3 of the following paragraphs:—

- “3A where any teacher holds a post of special responsibility within the meaning of the regulations for the time being in force made by the Secretary of State under section seventy-nine of the Act of 1946 (which relates to the salaries of teachers) and will not, on completion of forty-five years of service or of service and second class service, have attained the age for retirement prescribed under the last foregoing paragraph, for the teacher- to be deemed to have offered to resign from the said post on the day on which he completes the said forty-five years, and for the retirement of the teacher from the said post on the said day if his resignation is accepted, so, however, that nothing in any provision included in the scheme under this paragraph shall prevent the employer from offering and the teacher from accepting appointment to another post;
- 3B for the payment of pensions of such amounts, in such cases and subject to such conditions as may be prescribed, to and for the benefit of the widows or widowers and the children (including children over school age) or other dependants of teachers who die after such date as may be prescribed and who when they die are in receipt of or eligible for an annual allowance or are employed in service and are in such circumstances that, if they had not died, they could have established a claim to an annual allowance on the grounds of infirmity, or, having been employed for not less than ten years in service or in service and second class service, die within such period after ceasing to be so employed as may be prescribed; for the application of such provisions in so far as they relate to pensions for widows, widowers and children, irrespective of election, to male teachers or to both male and female teachers who enter service or second class service on or after such date as may be prescribed, and to such male and female teachers to whom such provisions so relating do not apply as may elect that such provisions so relating shall apply to them or as do not elect that such provisions shall not apply to them ; for the application of such provisions in so far as they relate to pensions for dependants to such male and female teachers as may elect that such provisions so relating shall apply to them or as do not elect that such provisions shall not apply to them; for the surrender or repayment in exchange for the said pensions of so much of the lump sums or death gratuities payable or paid, or of contributions returnable or returned, to or in respect of the said teachers as may be prescribed as being sufficient in the opinion of the Secretary of State to support the said pensions; and for such consequential and other

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matters as may appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph:

Provided that the power to include in the Teachers Superannuation Scheme provisions for the purposes of this paragraph shall not be exercised except with the approval of the Treasury and after consultation with representatives of education authorities and of teachers;

- 3C for enabling a teacher to whom a retiring allowance is awarded to surrender, subject to such conditions as may be prescribed, the lump sum, or so much thereof as remains after a surrender under the last foregoing paragraph, in exchange for an additional annual allowance which shall be actuarially equivalent to the value of the lump sum surrendered under this paragraph; and for such consequential and other matters (including the adaptation of enactments) as may appear to the Secretary of State to be necessary for the carrying out of the purposes of this paragraph;”; and

(2) by the deletion of paragraph 9 and the insertion of the following paragraph:—

- “9A where the part of the salary of a teacher which has vested in him in respect of a day of service after the thirty-first day of March, nineteen hundred and fifty-two, is greater than one three-hundred-and-sixty-fifth part of the annual rate of his salary on that day, for that day to be reckoned in the calculation of the length of service of the teacher as a day and such fraction of a day as the Secretary of State may determine:

Provided that the teacher shall not be credited in any year beginning on the first day of April with a greater number of days of service than there are days in that year;”.

35 Amendment of Part III of the Third Schedule to the Act of 1946

Part III of the Third Schedule to the Act of 1946 (which provides for the incorporation of certain articles in the Teachers Superannuation Scheme) shall be amended by the deletion of paragraph 1.

36 Amendment of Fourth Schedule to the Act of 1946

Paragraph 2 of the Fourth Schedule to the Act of 1946 (which relates to amounts to be treated as having been paid into the revenue of the teachers superannuation account shall be amended by the substitution of the following sub-paragraph for sub-paragraph (a)

- “(a) by teachers the amount of teachers' contributions attributable to the period, and by the education authorities, governing bodies or other bodies of managers by whom such teachers are employed the amount of the employers' contributions attributable to the period, including any supplementary contributions”.

37 Amendment of the Education (Scotland) (War Service Superannuation) Act, 1939

Where, under section three of the Education (Scotland) (War Service Superannuation) Act, 1939, contributions in respect of the whole or part of the period of war service of a person who was, or was deemed to be, a teacher are recoverable by the Secretary

of State either directly from him or by deduction from any sum payable to him or to his personal representatives, and where the whole or any part of the said contributions have not been recovered before the commencement of this Act, it shall be lawful for the Secretary of State, on an application by the said person made within twelve months from the commencement of this Act or within such longer period as the Secretary of State may allow in any particular case, to direct that the unrecovered contributions and any interest due thereon shall not be recovered and to delete from the record of service of the said person the period of war service in respect of which the said contributions were payable, and the said person and his personal representatives shall thereupon cease to be liable for the said contributions and interest and shall not be entitled to any benefit under the Teachers Superannuation Scheme in respect of the said period of war service.

38 Extent and interpretation of Part II

- (1) This Part of this Act shall extend to Scotland only.
- (2) References in this Part of this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

PART III

GENERAL

39 Expenses and payments into Exchequer

- (1) There shall be defrayed out of moneys provided by Parliament—
 - (a) any sums required for the payment of pensions in pursuance of rules made under section eight of this Act;
 - (b) any sums required for the repayment of contributions paid under section eighteen of this Act;
 - (c) any increase attributable to the provisions of this Act in the sums payable out of moneys provided by Parliament under any other enactment.
- (2) There shall be paid into the Exchequer—
 - (a) any sums received by the Minister by way of refund of allowances in pursuance of rules made under the said section eight;
 - (b) any sums received by the Minister in respect of contributions under the said section eighteen;
 - (c) any increase attributable to the provisions of this Act in the sums payable into the Exchequer under any other enactment.

40 Functions of Government Actuary

Any functions of the Government Actuary under this Act, the Teachers (Superannuation) Acts, 1918 to 1946, or the Education (Scotland) Acts, 1939 to 1956, may be performed by the Deputy Government Actuary.

41 Short title, citation, commencement and extent

- (1) This Act may be cited as the Teachers (Superannuation) Act, 1956.

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- (2) This Act, except so far as it relates to Scotland, may be cited together with the Teachers (Superannuation) Acts, 1918 to 1946, as the Teachers (Superannuation) Acts, 1918 to 1956.
- (3) This Act, so far as it relates to Scotland, shall be included among those Acts which may be cited as the Education (Scotland) Acts, 1939 to 1956, and shall be construed as one with those Acts.
- (4) Without prejudice to the retrospective effect of any provision of this Act, this Act shall come into operation on the first day of October, nineteen hundred and fifty-six.
- (5) This Act shall not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 10.

MODIFICATION OF ENACTMENTS IN RELATION TO
TEACHERS ELECTING UNDER S. 10 OF THIS ACT

<i>Enactment to be modified</i>	<i>Modification</i>
The School Teachers (Superannuation) Act, 1918. Section three	The question whether any, and if so what, amount is payable by way of supplementary death gratuity under subsection (2) of this section shall be determined as if the teacher had not made the election and all relevant payments had been paid accordingly in his case.
Section five	Subsection (4) of this section shall apply to so much only of the annual allowance as would have been payable apart from the election.
The Teachers (Superannuation) Act, 1925. Section five	The question whether any, and if so what, amount is payable by way of gratuity under subsection (1) or subsection (2) of this section shall be determined as if the teacher had not made the election and all relevant payments had been made accordingly in his case.
Sections six and eight	In these sections references to the determination, suspension or restoration of an annual allowance shall be construed as referring to so much only of the allowance as would be payable apart from the election.
Section twelve	The balance of the teacher's contributions shall be ascertained under paragraph (a) of subsection (5) of this section as if he had not made the election and all relevant payments had been made accordingly in his case.
Section fourteen	The amount of any payments which may be made by the teacher's employer under paragraph (a) or paragraph (b) of subsection (3) of this section shall be calculated as if the teacher had not made the

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<i>Enactment to be modified</i>	<i>Modification</i>
<p>The Local Government Act, 1929. Section one hundred and twenty-four.</p>	<p>election and all relevant payments had been made accordingly in his case.</p> <p>The amount of any sum falling to be paid by the relevant council under paragraph (c) of subsection (5) of this section shall be calculated as if the teacher had not made the election and all relevant payments had been made accordingly in his case.</p>
<p>The Teachers (Superannuation) Act, 1937. Section one</p>	<p>The reference in this section to the annual allowance, part of which may be surrendered under the section, shall be construed as referring to so much only of the allowance as would be payable apart from the election.</p>
<p>The Local Government Superannuation Act, 1937. Section seventeen</p>	<p>In determining the extent to which an amount receivable by the teacher in any year in respect of a superannuation allowance under Part I of the Act is to be reduced by virtue of subsection (1) of this section—</p> <p>(a) no regard shall be had to any part of the teacher's annual allowance under the Teachers (Superannuation) Acts, 1918 to 1956, which is attributable to the election; and</p> <p>(b) the teacher shall be treated for the purpose of paragraph (b) of the proviso to the said subsection, and the necessary computation shall be made under this paragraph, as if the teacher had not made the election and all relevant payments had been made accordingly in his case.</p>
<p>The Pensions (Increase) Act, 1944. Paragraphs 2 and 3 of the Second Schedule</p>	<p>References in these paragraphs to the pension shall be construed as referring to so much only of the pension as would have been payable apart from the election.</p>
<p>The Pensions (Increase) Act, 1952. Paragraph 2 of the Second Schedule</p>	<p>The reference in this paragraph to the annual rate of the pension shall be construed as referring to so much only of the pension as would have been payable apart from the election.</p>

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<i>Enactment to be modified</i>	<i>Modification</i>
The Pensions (Increase) Act, 1956. Section eleven	In the definition of " basic rate ", the reference to the annual rate of the pension shall be construed as referring to so much only of the pension as would have been payable apart from the election.

SECOND SCHEDULE

Section 23.

PROVISIONS AS-TO APPROVED EXTERNAL SERVICE

- 1 Where a teacher has been employed in approved external service as defined in subsection (1) of section thirteen of the principal Act (hereafter in this Schedule referred to as " approved external service ") being service of the kind described in paragraph (a) or paragraph (b) of subsection (1) of that section, as well as in recognised or contributory service, and a pension is payable to the teacher in respect of the approved external service otherwise than under the provisions of the principal Act, then:—
- (a) if the aggregate of his recognised or contributory service and such approved external service, so far as it is served before he has attained the age of sixty years (hereinafter referred to as his aggregate service under sixty) exceeds forty years, there shall, for the purpose of calculating the amount of any annual allowance or additional allowance payable to the teacher under Part II of the principal Act, be deducted from his contributory or recognised service—
 - (i) in a case where the whole of such approved external service is of the kind described in the said paragraph (a), such proportion of the said excess as is equal to the proportion of his aggregate service under sixty which is contributory or recognised service;
 - (ii) in a case where the whole of such approved external service is of the kind referred to in the said paragraph (b), a period equal to the said excess;
 - (iii) in a case where such approved external service is partly of the kind described in the said paragraph (a) and partly of the kind described in the said paragraph (b), the same proportion of the excess as the teacher's recognised or contributory service bears to the aggregate of that service and his service of the kind described in the said paragraph (a);
 - (b) if the aggregate of his recognised or contributory service and such approved external service, whenever served (hereafter in this Schedule referred to as his aggregate service), after making any deduction required to be made under paragraph (a) hereof and also any deduction required to be made in respect of the approved external service under any provision relating to such service which corresponds with paragraph (a) hereof, exceeds forty-five years, there shall, for the purpose of calculating the amount of any such annual allowance or additional allowance as aforesaid, be deducted from his contributory or recognised service—

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- (i) in a case where the whole of such approved external service is of the kind described in paragraph (a) of subsection (1) of section thirteen of the principal Act, such proportion of the said excess as is equal to the proportion of his aggregate service which is contributory or recognised service;
- (ii) in a case where the whole of such approved external service is of the kind referred to in paragraph (b) of the said subsection, a period equal to the said excess;
- (iii) in a case where such approved external service is partly of the kind described in the said paragraph (a) and partly of the kind described in the said paragraph (b), the same proportion of the said excess as the teacher's recognised or contributory service bears to the aggregate of that service and his service of the kind described in the said paragraph (a).

- 2 In relation to an additional allowance payable to a teacher whose aggregate service falls partly before and partly after the commencement of this Act, the foregoing paragraph of this Schedule shall have effect as if for the reference to forty years there were substituted a reference to the period which, if the whole of the teacher's aggregate service were contributory service, would produce the highest additional allowance authorised, in respect of his service before attaining the age of sixty years, by subsection (2) of section five of this Act.
- 3 Paragraphs (d) and (e) of subsection (2) of section thirteen of the principal Act are hereby repealed; and without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) the principal Act shall have effect as if the foregoing provisions of this Schedule were substituted therein for the said paragraphs (d) and (e).
- 4 In any case where paragraph 1 of this Schedule applies, the proviso to subsection (1) of section five of this Act and paragraph (b) of subsection (2) of that section shall not apply, and the reference in paragraph (a) of the last mentioned subsection to any period of service to be disregarded shall be construed as a reference to any period of service to be deducted under paragraph 1 or paragraph 2 of this Schedule.
- 5 In subsection (3) of section six of this Act the reference to service of which account can be taken for the purposes of paragraph (a) of subsection (1) of section five of this Act shall be construed as including a reference to approved external service of which account can be taken for the purpose of calculating any allowance payable in respect of that service under any provision corresponding with the said paragraph (a).
- 6 Paragraph (f) of subsection (2) of section thirteen of the principal Act (which provides that allowances and gratuities shall, in the case of a teacher employed in approved external service as well as in recognised or contributory service, be calculated by reference to the period of recognised or contributory service actually served and not by reference to the completed years of that service) is hereby repealed.
- 7 Notwithstanding anything in paragraph (g) of subsection (2) of the said section thirteen (which provides for the treatment of periods of approved external service as if it were recognised or contributory service) section fourteen of this Act shall not apply to any teacher who has been employed in approved external service as well as in recognised or contributory service unless he was last employed in contributory service; and in the case of any such teacher to whom the said section fourteen

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applies, there shall be deducted from the additional period of service which the teacher is to be treated under that section as having completed—

- (a) any period of approved external service consisting wholly of service of a kind described in paragraph (a) of subsection (1) of the said section thirteen;
- (b) where the period of recognised or contributory service of the teacher and the period of any such approved external service as aforesaid together amount to less than ten years, so much of any period of approved external service, not being such service as aforesaid, as is equal to the difference.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Elementary School Teachers (Superannuation) Act, 1898	61 & 62 Vict. c. 57.
School Teachers (Superannuation) Act, 1918	8 & 9 Geo. 5. c. 55.
Teachers (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 59.
Local Government Act, 1929	19 & 20 Geo. 5. c. 17.
Teachers (Superannuation) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 47.
Local Government Superannuation Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 68.
Education (Scotland) (War Service Superannuation) Act, 1939	2 & 3 Geo. 6. c. 96.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Teachers (Superannuation) Act, 1945	8 & 9 Geo. 6. c. 14.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Pensions (Increase) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 45.
Pensions (Increase) Act, 1956	4 & 5 Eliz. 2. c. 39.