
STATUTORY INSTRUMENTS

1979 No. 47**EDUCATION, ENGLAND AND WALES****The Teachers' Superannuation (Policy Schemes)
Regulations 1979***Made* - - - 17th January 1979*Laid before Parliament* 26th January 1979*Coming into Operation* 19th February 1979

The Secretary of State, in exercise of the powers conferred by sections 9 and 12 of the Superannuation Act 1972(a) and Schedule 3 thereto, after consulting with representatives of local education authorities, teachers and other persons likely to be affected in accordance with section 9(5) of the said Act and with the consent of the Minister for the Civil Service, hereby makes the following Regulations:—

1. These Regulations may be cited as the Teachers' Superannuation (Policy Schemes) Regulations 1979 and shall come into operation on 19th February 1979.

2.—(1) In these Regulations a reference to the principal Regulations is a reference to the Teachers' Superannuation Regulations 1976(b).

(2) In these Regulations the expression "policy scheme" means a superannuation scheme—

(a) operated under the Federated Superannuation System for Universities,
or

(b) comparable thereto and providing benefits of a kind similar to those secured under that system, being benefits secured by means of assurance policies;

and the expression "policy scheme service" and "related policy" have the meaning assigned thereto by Regulation 3(2) and (3).

(3) Except where the context otherwise requires, any reference in these Regulations to a teacher is a reference to a teacher to whom Part II of these Regulations applies in accordance with Regulation 3, subject, however, to Regulation 4.

(4) Unless the context otherwise requires, in these Regulations a reference to a Regulation is a reference to a Regulation contained therein and a reference in a Regulation to a paragraph is a reference to a paragraph of that Regulation.

(5) These Regulations shall be construed as one with the principal Regulations.

(a) 1972 c. 11.

(b) S.I. 1976/1987; relevant amending instruments are S.I. 1978/422, 1422.

3.—(1) Subject to Regulation 4, Part II of these Regulations shall apply in the case of a teacher who, on 19th February 1979, has not attained the age of 70 years and either—

- (a) is in service in respect of which he is subject to a policy scheme being service which, but for Regulation 8(1)(a) of the principal Regulations would have been reckonable service for the purposes of those Regulations, or
- (b) is in reckonable service in continuation of service on or after 31st March 1974 in respect of which he was subject to a policy scheme, being service which—
 - (i) but for Regulation 8(1)(a) of the principal Regulations, would have been reckonable service for the purposes of those Regulations, or
 - (ii) but for Regulation 16(1)(a) of the Teachers' Superannuation Regulations 1967(a) or Regulation 5(2) of the Teachers' Superannuation (Amending) Regulations 1968(b), would have been reckonable service within the meaning of the said Regulations of 1967 by reason of Regulation 5(a) thereof.

(2) In relation to such a teacher as is mentioned in paragraph (1), any reference in these Regulations to policy scheme service is, subject to paragraphs (4) and (5), a reference to such service as is mentioned in paragraph (1)(a) or (b) in respect of which he is or was subject to a policy scheme, together with all earlier service, as a teacher or otherwise, in respect of which he was subject to a policy scheme, being service or earlier service in respect of which no benefits have fallen to be paid under the policy scheme in question:

Provided that, in the case of earlier service, the related policy came to be held by the same authority or persons as held the policy related to the service mentioned in paragraph (1)(a) or (b).

(3) In relation to a particular period of policy scheme service, any reference in these Regulations to a related policy is, subject to paragraph (5), a reference to an assurance policy effected in pursuance of a policy scheme, being—

- (a) a policy in respect of which premiums were payable for that period, or
- (b) a policy (including a single premium policy) effected in exchange, or otherwise in substitution, for a policy in respect of which premiums were payable as aforesaid.

(4) Where the premiums payable in respect of a policy referred to in paragraph (3)(a) were paid only in part for a particular period of service, only the appropriate part of that service shall constitute policy scheme service.

(5) Where, in the case of a teacher—

- (a) prior to entering such service as is mentioned in paragraph (2), he was in service in respect of which he was subject to such a superannuation scheme as is mentioned in Regulation 80(1)(a) of the principal Regulations (approved superannuation schemes for the purposes of interchange), and

(a) S.I. 1967/489.

(b) S.I. 1968/1353.

- (b) a transfer value in respect of the prior service, received from the person responsible for the management of the superannuation scheme in question, was applied in effecting a single premium assurance policy in pursuance of the policy scheme to which the teacher had become subject,

then, for the purposes of paragraph (2), the prior service shall be treated as service in respect of which he was subject to a policy scheme and, for the purposes of paragraph (3), the single premium policy shall be treated as a policy effected as mentioned in sub-paragraph (b) thereof.

(6) In this Regulation any reference to an assurance policy is a reference to such a policy effected on, or in relation to, the life of the teacher concerned.

PART II

VESTING OF RELATED POLICY IN THE SECRETARY OF STATE AND MODIFICATIONS TO THE PRINCIPAL REGULATIONS

4. In the case of a particular teacher, this Part shall not have effect unless—

- (a) at his request or otherwise, he is given written notice by the Secretary of State that he is satisfied that the teacher is such as is mentioned in Regulation 3, and
- (b) within 6 months of the date of the said notice, by written notice given to the Secretary of State, the teacher elects that this Part shall have effect in his case,

and, where the teacher so elects, shall have effect on the expiry of the first month beginning after the date on which he gave his notice of election.

5.—(1) On this Part taking effect in the case of a teacher—

- (a) the trust deed concerning the policy related to his policy scheme service shall cease to have effect and, accordingly, any power or discretion in pursuance thereof shall cease to be exercisable and any trust arising thereunder shall be discharged;
- (b) the said policy shall, by virtue of this Regulation, vest in the Secretary of State and, accordingly, the holder thereof, and any other person, is empowered to do such things as may be necessary or expedient in consequence of the policy so vesting.

(2) The Secretary of State shall have power to surrender, or otherwise dispose of, a policy vesting in him under this Regulation; and any monies received by him under, or in consequence of the surrender or disposal of, such a policy shall be treated for the purposes of Regulation 85 of the principal Regulations (teachers' superannuation account) as if they were received under those Regulations.

6. On this Part taking effect in the case of a teacher the principal Regulations shall have effect in his case subject to the modifications set out in the Schedule hereto.

SCHEDULE

MODIFICATIONS TO THE PRINCIPAL REGULATIONS

1. Regulation 4 of the principal Regulations (reckonable service) shall have effect as if at the end of paragraph (1) thereof there were inserted the following provision:—

“(e) in relation to a teacher in whose case Part II of the Teachers’ Superannuation (Policy Schemes) Regulations 1979 has taken effect, so much of his policy scheme service (within the meaning of those Regulations) as does not constitute reckonable service under the preceding provisions of this paragraph.”.

2. Regulation 8(1) of the principal Regulations (service not reckonable) shall have effect as if sub-paragraph (a) were omitted.

3.—(1) Subject to paragraph (3) of Regulation 22 of the principal Regulations (maximum purchase of added years), as modified by this paragraph, for the purposes of paragraph (1) thereof the teacher shall be treated as having been first employed in reckonable service at the age determined by subtracting nine-tenths of his policy scheme service from his actual age on whichever of the following dates applies in his case—

- (a) where these Regulations apply to him by virtue of Regulation 3(1)(a), the date on which Part II of these Regulations took effect in his case;
- (b) where these Regulations apply to him by virtue of Regulation 3(1)(b), the date on which the reckonable service there referred to began.

(2) For the purposes of paragraph (3) of the said Regulation 22 any period during which the teacher was not employed in reckonable service before Part II of these Regulations took effect in his case shall be disregarded but the reference therein to his actual age at the time he became first employed in reckonable service shall be construed as a reference to the age determined in accordance with sub-paragraph (1) of this paragraph.

4. For the purposes of Regulation 24(1) of the principal Regulations (purchase of past added years) the teacher shall be treated as having been first employed in reckonable service when he was first employed in policy scheme service, where that is earlier.

5. Regulation 25 of the principal Regulations (election to purchase added years) shall have effect as if for paragraph (1) thereof there were substituted the following provision:—

“(1) A first election for the purposes of Regulation 24 shall be made by the teacher not later than the date of his 55th birthday or the date six months after that on which Part II of the Teachers’ Superannuation (Policy Schemes) Regulations 1979 took effect in his case, whichever is the later.”.

6. Notwithstanding anything in Regulation 42 of the principal Regulations (time for making elections under section C), the teacher may make a first election under section C of Part II of those Regulations within 6 months of Part II of these Regulations taking effect in his case.

7. Regulation 53 of the principal Regulations (entitlement to allowances) shall have effect as if at the end of paragraph (3) thereof there were inserted the following provision:—

“ or

(c) Part II of the Teachers’ Superannuation (Policy Schemes) Regulations 1979 has taken effect in relation to him and his reckonable service amounts to at least five years.”.

8. Regulation 56(1) of the principal Regulations (amount of additional allowance) shall have effect as if the teacher's policy scheme service fell after the beginning of October 1956.

9. Regulation 72(1) of the principal Regulations (counting reckonable service for benefit) shall have effect as if it provided that the teacher's policy scheme service should count as to nine-tenths and sub-paragraphs (b) and (c) (i) shall not apply in relation to such service.

10. Regulation 92 of the principal Regulations (records and information) shall have effect as if any reference to the Secretary of State's functions under those Regulations included a reference to his functions under these Regulations.

11.—(1) For the purposes of paragraph 3 of Schedule 9 to the principal Regulations (modifications relating to national insurance), the teacher's policy scheme service shall be deemed to be service after the beginning of July 1948.

(2) No reduction in the amount of an annual allowance shall be made under paragraph 6 or 7 of the said Schedule 9 in respect of the teacher's period of policy scheme service.

Given under the Official Seal of the Secretary of State for Education and Science on 12th January 1979.

L.S.

Shirley Williams,
Secretary of State
for Education and Science.

Consent of the Minister for the Civil Service given under his official Seal on 17th January 1979.

L.S.

W. G. Bristow,
Authorised by the Minister
for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply to teachers who are, or on or after 31st March 1974 have been, subject to the Federated Superannuation System for Universities or a comparable scheme providing benefits secured by means of assurance policies ("a policy scheme" as defined in *Regulation 2(2)*), subject to their so electing (*Regulations 3(1) and 4*).

Where a teacher exercises this right of election, first, the assurance policies effected in connection with his policy scheme vest in the Secretary of State and the relevant trust deed ceases to have effect (*Regulation 5*) and, secondly, the Teachers' Superannuation Regulations 1976 (in their application to him) become subject to the modifications set out in the Schedule (*Regulation 6*).

The principal modifications made by the Schedule are that the teacher's policy scheme service shall be reckonable service for the purposes of the Regulations of 1976 (*paragraphs 1 and 2*) and shall count as to nine-tenths for the purposes of calculating benefit (*paragraph 9*). Supplementary and consequential modifications relate to the purchase of added years (*paragraphs 3 to 5*), elections relating to payment for family benefits attributable to service before April 1972 (*paragraph 6*), entitlement to, and calculation of, allowances (*paragraphs 7 and 8*), records and information (*paragraph 10*) and modifications relating to national insurance (*paragraph 11*).

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