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STATUTORY INSTRUMENTS

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**1988 No. 1652**

**EDUCATION, ENGLAND AND WALES**

**The Teachers' Superannuation (Consolidation) Regulations 1988**

*Made - - - - 21st September 1988*

*Laid before Parliament 10th October 1988*

*Coming into force - - 1st November 1988*

The Secretary of State, in exercise of the powers conferred by sections 9 and 12 of the Superannuation Act 1972<sup>(1)</sup> and Schedule 3 thereto, and by section 35(7) and (8) of the Social Security Pensions Act 1975<sup>(2)</sup>, after consulting with representatives of the local education authorities, teachers and other persons likely to be affected in accordance with section 9(5) of the Superannuation Act 1972, and with the consent of the Treasury, hereby makes the following Regulations:—

**PART A**

**PRELIMINARY**

**Title and commencement**

**A1.** These Regulations may be cited as the Teachers' Superannuation (Consolidation) Regulations 1988 and shall come into force on 1st November 1988.

**Interpretation**

**A2.**—(1) Schedule 1 to these Regulations contains a glossary of expressions; and in these Regulations, unless the context otherwise requires, any expression for which there is an entry in the first column of that Schedule has the meaning given against it in the second column or is to be construed in accordance with directions given against it in that column.

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

- (a) any reference to a regulation, Part or Schedule identified by a letter or number or both (an “indicator”) is to be construed as a reference to the regulation, Part or Schedule, as the case

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(1) 1972 c. 11.

(2) 1975 c. 60; section 35(7) was amended by the Social Security (Miscellaneous Provisions) Act 1977 (c. 5), section 22(7), by the Social Security Act 1979 (c. 18), Schedule 3, paragraph 18, and by the Social Security Act 1985 (c. 53), Schedule 3, paragraph 2; section 35(8) was amended by the Social Security Act 1985, Schedule 3, paragraph 8 and a relevant exception to it was prescribed by the Occupational Pension Schemes (Revaluation) Regulations 1985 (S.I. 1985/1930), regulation 10.

may be, identified by that indicator in these Regulations, and any reference to a numbered paragraph in a regulation of or a Schedule to these Regulations is to be construed as a reference to the paragraph bearing that number in that regulation or, as the case may be, that Schedule,

- (b) any reference to, or to things done or falling to be done under or for the purposes of, any provision of these Regulations is, if and so far as the nature of the reference permits, to be construed as including, in relation to circumstances or purposes in relation to which the corresponding provision in any Regulations revoked by these Regulations, or in previous provisions, has or had effect, a reference to, or as the case may be to things done or falling to be done under or for the purposes of, that corresponding provision,
- (c) any reference to the purchase of added years is, in relation to previous provisions, to be construed as including a reference to the payment of contributions by a person in respect of a period during which he was not in pensionable employment,
- (d) any reference to contributions and benefits payable in respect of a person is to be construed as including a reference to contributions paid by him and benefits paid to him, and
- (e) any reference to a transfer value paid or received is to be construed as including a reference to a transfer value which would have been paid or received but for arrangements made for the avoidance of payments between Ministers.

(3) Where these Regulations require anything to be done within a specified period after or from a specified day or event, the period begins immediately after the specified day or, as the case may be, the day on which the specified event occurs.

(4) For the purposes of these Regulations a person's pensionable employment ends with the last day of the employment or, as the case may be, the last day on which the employment was pensionable.

## PART B

### PENSIONABLE EMPLOYMENT

#### Full-time employment

**B1.**—(1) Subject to paragraphs (2) and (3) and regulations B5 to B7, a person is in pensionable employment while he is in full-time employment in a capacity described in Schedule 2 and satisfies every condition, and is not within any exception, specified in Schedule 2 in relation to employment in that capacity.

(2) Full-time employment in a capacity described in Part II of Schedule 2 is not pensionable unless the person has elected that it is to be so.

(3) An election for the purposes of paragraph (2)—

- (a) must be made by giving written notice to the Secretary of State within 3 months after the start of the employment, and
- (b) except in the case of employment in a capacity described in paragraph 14, 21, 22 or 24 of Schedule 2, may not be made without the consent of the employer.

#### Part-time employment

**B2.**—(1) Subject to paragraph (2) and regulations B5 to B7, a person who has at any time made an election for the purposes of this regulation is in pensionable employment while he is a part-time employee who—

- (a) is employed in a capacity described in paragraphs 1 to 7, 14 or 16 of Schedule 2 and satisfies every condition, and is not within any exception, specified in Schedule 2 in relation to employment in that capacity, or
  - (b) is employed by a local education authority to provide either primary or secondary education otherwise than at school, in pursuance of section 56 of the Education Act 1944<sup>(3)</sup> or section 3 of the Education Act 1981<sup>(4)</sup>, or
  - (c) is employed by a local education authority to provide further education at a prison, remand centre, detention centre, Borstal institution or attendance centre within the meaning of the Prison Act 1952<sup>(5)</sup>, or
  - (d) is employed as a teacher or organiser by the Christian Education Movement, or
  - (e) would be in pensionable employment by virtue of regulation B4 (accepted schools) if his employment were full-time.
- (2) A person is not in pensionable employment by virtue of paragraph (1) while—
- (a) he is or is deemed to be a pensionable employee within the meaning of the Local Government Superannuation Regulations 1986<sup>(6)</sup>, or
  - (b) he is entitled to be paid a teacher's pension.
- (3) An election for the purposes of this regulation—
- (a) may be made at any time by giving written notice to the Secretary of State, and
  - (b) unless the Secretary of State specifies an earlier date, has effect from the first day of the month following that in which he notifies the person making it of its acceptance.

### Continuing employment

**B3.** Subject to regulations B5 to B7, a person who immediately before 1st November 1988 was in employment ("the first employment") which was pensionable employment by virtue of regulation 4(2)(c) or (cc) of the 1976 Regulations (employment in continuation or further continuation of employment treated as reckonable service for the purposes of the 1967 Regulations) is in pensionable employment—

- (a) while he is in the first employment, and
- (b) while he is in employment which is in continuation of the first employment.

### Employment in accepted school

**B4.—**(1) Subject to paragraph (2) and regulations B5 to B7, a person is in pensionable employment while he is in full-time employment as a teacher in an accepted school.

- (2) A person employed in an accepted school is not in pensionable employment if—
- (a) he has any financial interest in the establishment other than a right to a salary unrelated to its profits or its other performance as an economic enterprise, or
  - (b) the establishment is an accepted school by virtue of paragraph (3)(a) and immediately before 1st November 1988 his employment in it was not pensionable employment.
- (3) Subject to paragraph (7), an establishment is an accepted school if—
- (a) immediately before 1st November 1988 it was an accepted school for the purposes of regulation 6 of the 1976 Regulations, or

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(3) 1944 c. 31; section 56 was amended by the Education (Miscellaneous Provisions) Act 1948 (c. 40), Schedule 1, Part I.

(4) 1981 c. 60.

(5) 1952 c. 52.

(6) S.I. 1986/24; relevant amendments were made by S.I. 1986/380, 1987/293.

- (b) the Secretary of State has accepted it for the purposes of this regulation.
- (4) The establishments that may be accepted are—
  - (a) an independent school finally registered under section 70 of the Education Act 1944<sup>(7)</sup>,
  - (b) an independent school provisionally registered under that section which had been a school of a kind mentioned in paragraph 1, 2 or 3 of Schedule 2,
  - (c) an independent school provisionally registered under that section which was constituted by an amalgamation of schools of which at least one was an accepted school, and
  - (d) an establishment of further education constituted by an amalgamation of such establishments of which at least one was an accepted school.
- (5) An establishment may only be accepted if its governing body have made a written application to the Secretary of State.
- (6) No establishment need be accepted, but if an establishment is accepted its acceptance takes effect—
  - (a) where paragraph (4)(b) applies, as from the date of provisional registration, and
  - (b) in any other case, as from a date to be agreed between the Secretary of State and the governing body, which must be—
    - (i) the first day of a month later than that in which the application was made, or
    - (ii) if the establishment was constituted by an amalgamation, either the first day of such a month or the date of the amalgamation.
- (7) An establishment which has become an accepted school ceases to be one from the date specified in a written notice given to its governing body by the Secretary of State.
- (8) Notice for the purposes of paragraph (7) may be given—
  - (a) in the case of an independent school, if it ceases to be a registered or provisionally registered school within the meaning of section 70 of the Education Act 1944, or
  - (b) in the case of an establishment of further education or a nursery school, if—
    - (i) it ceases to be one, or
    - (ii) it employs as a teacher a person whom it would have been precluded from employing if regulations for the time being in force under section 27 of the Education Act 1980<sup>(8)</sup> had applied, or
  - (c) in any case, if the governing body—
    - (i) have made a written application to the Secretary of State for the establishment to cease to be an accepted school, or
    - (ii) have failed to pay or remit contributions to the Secretary of State, or
    - (iii) have failed to comply with regulation H3 (records and information) or any other provision of these Regulations relating to pensionable employment.
- (9) Paragraphs (5) to (8) apply to an establishment which had previously ceased to be an accepted school as they apply to an establishment which has not previously been an accepted school.
- (10) In this regulation “governing body” includes any person by whom teachers are employed.

### **Exclusion from pensionable employment**

- B5.**—(1) A person is not in pensionable employment unless he is—

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<sup>(7)</sup> 1944 c. 31; section 70 was amended by the Education Act 1980 (c. 20), section 34.

<sup>(8)</sup> 1980 c. 20.

- (a) 18 years old or older and under 70, and
- (b) entitled to be paid his salary in full, or on sick leave or maternity leave and entitled to be paid not less than half his salary.

(2) A person is not in pensionable employment while he is in an employment which immediately before 1st November 1988 by virtue of regulation 8(1)(a) of the 1976 Regulations (employments treated as not being reckonable service by previous provisions) was not pensionable employment.

(3) This paragraph applies to a person who—

- (a) immediately before 1st November 1988 was in, or
- (b) not more than 12 months before that date had ceased to hold,

an employment which by virtue of regulation 8(3) of the 1976 Regulations (employments superannuable under section 7 or 8 of the Superannuation Act 1972<sup>(9)</sup>) was not pensionable employment.

(4) Subject to paragraph (5), a person to whom paragraph (3) applies is not in pensionable employment while he is in an employment which would not have been pensionable employment if—

- (a) regulation 8(3) of the 1976 Regulations had continued in force, and
- (b) he had made no election under regulation 8(3)(c).

(5) Within 3 months after the start of an employment to which paragraph (3) applies the person may, by giving written notice to the Secretary of State and to the appropriate administering authority within the meaning of the Local Government Superannuation Regulations 1986<sup>(10)</sup>, elect that paragraph (4) is to cease to apply.

### **Election not to be pensionable**

**B6.**—(1) A person who—

- (a) is in pensionable employment, or
- (b) is not in pensionable employment but expects to enter an employment which would otherwise be pensionable employment,

may at any time, by giving written notice to the Secretary of State, make an election under this regulation.

(2) As from the date from which the election has effect—

- (a) where paragraph (1)(a) applies, the person ceases to be in pensionable employment for all purposes of these Regulations, and
- (b) in any case, subject to regulation B7, no subsequent employment of his is pensionable employment.

(3) Where paragraph (1)(a) applies, an election under this regulation—

- (a) if the notice is given within 3 months after the start of the person's pensionable employment, has effect as from the first day of his pensionable employment, and
- (b) in any other case, has effect from the first day of the month after that in which the notice was given.

(4) Where paragraph (1)(b) applies, the election has effect as from the day before that on which the person first enters any such employment as is there mentioned.

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<sup>(9)</sup> 1972 c. 11.

<sup>(10)</sup> S.I. 1986/24; relevant amendments were made by S.I. 1986/380, 1987/293.

(5) An election made under proviso (b)(ii) to regulation 6(7) of the 1976 Regulations (accepted schools) or regulation 10 of the Teachers' Superannuation (Miscellaneous Provisions) (No. 2) Regulations 1988(11) is to be treated as having been made under this regulation.

### **Resumption of pensionable status**

**B7.**—(1) Subject to paragraphs (5) and (6), a person who has made an election under regulation B6, who has since been in employment which would otherwise have been pensionable employment (“excluded employment”), and who—

- (a) is in excluded employment, or
- (b) is not in, but expects to enter, excluded employment,

may at any time, by giving written notice to the Secretary of State, make an election under this regulation.

(2) As from the date on which the election has effect, subject to regulation B6 any employment on and after that date which would otherwise have been excluded employment is pensionable employment.

(3) Where paragraph (1)(a) applies, an election under this regulation—

- (a) if the notice is given within 3 months after the start of any period of excluded employment, has effect as from the first day of that employment, and
- (b) in any other case, has effect from the first day of the month after that in which the notice was given.

(4) Where paragraph (1)(b) applies, the election has effect as from the day before that on which the person first enters any excluded employment.

(5) If a person who has made an election under this regulation makes a further election under regulation B6, he may make a further election under this regulation only if, since he made the further election under regulation B6, there has been a qualifying period during which he was not in any excluded employment.

(6) Unless the Secretary of State approves a shorter period in the particular case, a qualifying period is one of not less than 5 years.

(7) An election made under regulation 11 of the Teachers' Superannuation (Miscellaneous Provisions) (No. 2) Regulations 1988 is to be treated as having been made under this regulation.

## **PART C**

### **TEACHERS' CONTRIBUTIONS**

#### **Salary on which contributions are payable**

**C1.**—(1) Subject to paragraphs (2) to (11), a person's contributable salary is the total of—

- (a) the amounts payable by his employer, in respect of his pensionable employment—
  - (i) by way of salary, and
  - (ii) in satisfaction of any statutory liability arising out of sickness or maternity, and
- (b) if the employer has satisfied the Secretary of State that it is expedient for residential accommodation to be provided free in connection with the employment, the money value as an allowance in kind of—

- (i) the accommodation provided, and
  - (ii) any heat, lighting or water provided free in connection with it.
- (2) If the money value of any accommodation provided exceeds one sixth of the amounts mentioned in paragraph (1)(a), the excess is not part of the person's contributable salary.
- (3) A person's contributable salary does not include—
  - (a) any allowance in kind not falling within paragraph (1)(b),
  - (b) any payment in respect of overtime, or
  - (c) any payment by way of travelling or expense allowance.
- (4) The contributable salary of a person employed as mentioned in paragraph 12 of Schedule 2 (teachers in European Schools) does not include any amount not payable by, or money value not attributable to, the Secretary of State.
- (5) The contributable salary of a services education officer is the amount that would for the time being be payable by way of salary, in accordance with provision made under section 3 of the Teachers' Pay and Conditions Act 1987(12), to a teacher of his age, qualifications and experience employed in a school outside the London area (within the meaning of any document referred to in an order for the time being in force under that section).
- (6) A person who continues in full-time pensionable employment but whose contributable salary is reduced, otherwise than by reason of sick leave or maternity leave, may elect that it is to be treated as having continued at the rate applicable immediately before the reduction ("the notional rate").
- (7) An election for the purposes of paragraph (6)—
  - (a) must be made by giving written notice to the Secretary of State within 6 months after the reduction,
  - (b) has effect from the first day of the month following that in which the notice was received, and
  - (c) subject to paragraph (9), continues to have effect until a relevant event occurs.
- (8) The relevant events are—
  - (a) the actual rate's exceeding the notional rate,
  - (b) the person's entering part-time pensionable employment, and
  - (c) unless he elects to pay additional contributions under regulation C8, his ceasing to be in pensionable employment.
- (9) An election made for the purposes of paragraph (6) may be cancelled by giving written notice to the Secretary of State at any time.
- (10) Notice of cancellation—
  - (a) has effect from the first day of the month following that in which it was received, and
  - (b) is irrevocable.
- (11) If while an election made for the purposes of paragraph (6) has effect there is any further reduction during a period of sick leave or maternity leave, the notional rate is, during that period, to be treated as having been reduced in the same proportion as the actual rate.

### Ordinary contributions

**C2.**—(1) Subject to paragraph (3), a person, other than a services education officer, who is in pensionable employment is to pay contributions of 6 per cent of this contributable salary for the time being.

(2) Subject to paragraph (3), a services education officer is to pay contributions of the aggregate of—

- (a) 6 per cent of his contributable salary for the time being, and
- (b) the employer's contributions that would have been payable if regulation G5 had applied.

(3) No contributions are to be paid by anyone to whom regulation E30(2)(a) (restriction of reckonable service to 45 years) has become applicable.

### Additional contributions for past period

**C3.**—(1) This regulation applies to a person who—

- (a) except where paragraph (5) applies, is in pensionable employment, and
- (b) first became employed in pensionable employment, or has been credited with reckonable service on the receipt of a transfer value in respect of comparable British service that began, before he attained the age of 55, and
- (c) has not become entitled to payment of retirement benefits under regulation E4(2) to (5).

(2) Subject to paragraphs (3) to (12), a person to whom this regulation applies may elect to pay additional contributions in accordance with—

- (a) Part I of Schedule 4 ("Method A"),
- (b) Part II of Schedule 4 ("Method B"),
- (c) Part III of Schedule 4 ("Method C"), or
- (d) where paragraph (5) applies, Part IV of Schedule 4 ("Method D"),

in order to become entitled to count an additional period ("the past period") as reckonable service.

(3) Except where paragraph (5) applies, or the person's pensionable employment is part-time, payment may be made by Method A, B or C.

(4) Where the person's pensionable employment is part-time, payment may only be made by Method B.

(5) This paragraph applies where—

- (a) the election is a further election made by a person whose last pensionable employment was full-time, and
- (b) his previous election was one made after 29th August 1982 to make payment by Method A and the notice of it contained a statement of the kind mentioned in paragraph (12)(d)(ii), and
- (c) he has not elected under paragraph 4 of Schedule 4 to shorten the period during which additional contributions were to be paid so that it ends before his 69th birthday, and
- (d) when notice of the further election is given he has applied for payment of retirement benefits but has not been paid a retirement lump sum.

(6) The past period must not exceed the maximum calculated in accordance with Schedule 3, and—

- (a) must have begun after the person attained the age of 20,
- (b) must have ended—



- (i) before he attained the age of 60,
    - (ii) before the date of the election, and
    - (iii) if he has become entitled to payment of retirement benefits by virtue of regulation E4(7) (redundancy, etc.), before the relevant termination of employment,
  - (c) must be one during which he was not in full-time pensionable employment, unless—
    - (i) contributions in respect of the period have been repaid after 31st May 1973, or
    - (ii) the right to count reckonable service in respect of it has been extinguished by payment of a transfer value,
  - (d) if payment is to be made by Method A, must satisfy paragraph 2 of Schedule 4,
  - (e) if payment is to be made by Method B and the election is a further election, must have begun after the date of the previous election,
  - (f) if payment is to be made by Method C, must—
    - (i) satisfy paragraph 13 of Schedule 4, and
    - (ii) if the election is a further election, have begun after the date of the previous election,
  - (g) unless—
    - (i) payment is to be made by Method B and notice of the election is given no earlier than the date of applying for payment of retirement benefits, or
    - (ii) payment is to be made by Method D,
- must be a period of not less than 30 days, and
- (h) if payment is to be made by Method D, must have ended before the date of the previous election.
- (7) If the person is already entitled to count any reckonable service in respect of the past period, that period is for the purposes of payment under this regulation and those of regulation D1 (reckonable service) reduced by the length of that service.
- (8) The period during which additional contributions are to be paid (“the contribution period”) must—
- (a) where payment is to be made by Method A, satisfy paragraph 2 of Schedule 4, and
  - (b) where payment is to be made by Method C, satisfy paragraph 13 of Schedule 4.
- (9) Subject to paragraphs (10) and (11), an election under this regulation may be made at any time.
- (10) A further election to make payment by Method B or C, other than an election by a part-time employee to make payment by Method B, must be made within 6 months after the start of the person’s latest pensionable employment.
- (11) A person may not simultaneously make different elections under this regulation, except that an election to make payment by Method A or C may be made at the same time as an election to make payment by Method B in respect of a different past period.
- (12) An election under this regulation must be made by giving written notice to the Secretary of State, which—
- (a) is to specify the past period,
  - (b) is to specify the method by which payment is to be made,
  - (c) where payment is to be made by Method A or C, is to specify the length of the contribution period, and
  - (d) where payment is to be made by Method A—

- (i) is to contain a declaration that the person has no reason to believe that his health may prevent him from continuing in pensionable employment until payment has been completed, and
- (ii) where the contribution period is such that payment cannot be completed until he has attained the age of 69 and he wishes to reserve the right to make a further election to make payment by Method D, is to contain a statement to that effect.

(13) Subject to paragraph 4 of Schedule 4 (shortening of contribution period where payment to be made by Method A), an election becomes irrevocable one month after the date on which the Secretary of State notifies the person in writing that it has been accepted.

(14) Where payment is to be made by Method A and—

- (a) within 12 months after the date of the election the person becomes incapacitated, and
- (b) the declaration required by paragraph (12)(d)(i) was not made in good faith,

the election is to be treated as not having been made and any additional contributions paid are to be refunded.

(15) In this regulation “further election” means an election made after 29th August 1982 which was not the person’s first election, and “previous election” means the last election before the one being made.

#### **Additional contributions for past period by family pensioner**

**C4.—**(1) This regulation applies where a person dies and—

- (a) if on the date of his death he had ceased to hold his employment he—
  - (i) would have become entitled under regulation E4 to payment of retirement benefits, and
  - (ii) would on applying for them have become entitled under regulation C3 to elect to pay additional contributions by Method D, and
- (b) another person (“the pensioner”) is entitled under regulation E25 to a long-term pension in respect of him.

(2) Where this regulation applies the pensioner, or in the case of a child a person acting on his behalf, may by giving written notice to the Secretary of State within 3 months after the death make any election which, on the hypothesis stated in paragraph (1)(a), the deceased person could have made under regulation C3.

(3) Subject to paragraph (4), an election under this regulation has effect as if it had been made under regulation C3 by the deceased person.

(4) The additional contributions—

- (a) are to be calculated under paragraph 16(1) of Schedule 4 even if the deceased person had attained the age of 60, and
- (b) except to the extent that they are, with the consent of any person entitled to it, met out of a terminal sum, are payable by the pensioner.

#### **Additional contributions for past period under earlier provisions**

**C5.—**(1) Part I of Schedule 5 has effect where immediately before 1st November 1988 additional contributions remained to be paid by virtue of regulations 25 to 28 of the 1976 Regulations (elections made before 30th August 1982.)

(2) Part II of Schedule 5 has effect where immediately before 1st November 1988 additional contributions remained to be paid by virtue of regulation 29 of the 1976 Regulations (payments commenced before 1973).

### **Reduction of past period on account of war service**

**C6.**—(1) This regulation applies where—

- (a) an election has been made under regulation C3 or C4, and
- (b) the person by or in respect of whom it was made subsequently becomes entitled to count as reckonable service, by virtue of regulation D5 or D6, a period related to war service, and
- (c) apart from this regulation some of his reckonable service (“the excess period”) consequently would, or would if he continued in pensionable employment until his 60th birthday, be left out of account, by reason of regulation E30(2), for the purpose of calculating benefits.

(2) Where this regulation applies the period in respect of which the election mentioned in paragraph (1)(a) was made is to be treated as reduced by the excess period.

(3) Where the additional contributions already paid exceed those required for the reduced period, the excess is to be refunded.

### **Additional contributions in respect of war service**

**C7.**—(1) This regulation applies to a person who became entitled by virtue of regulations 7 and 72(1)(b) of the 1976 Regulations to count as reckonable service a period related to war service (“the war service period”).

(2) Subject to paragraph (6), there is to be paid by or in respect of a person to whom this regulation applies, by way of deduction from the appropriate terminal sum, an additional contribution of A +B, where—

A is 3.75 per cent of the salary notionally received during the person’s war service, and

B is interest on A at 3.5 per cent per annum, compounded with yearly rests, from 1st July 1950 to the relevant date.

(3) The salary notionally received during the person’s war service is £200 per annum in the case of a man and £175 per annum in the case of a woman.

(4) The relevant date is—

- (a) 1st September 1974 if the person was then receiving a teacher’s pension,
- (b) if a transfer value has become payable in respect of him after 31st August 1974, the date on which he became subject to the receiving scheme, and
- (c) in any other case, the date on which the terminal sum is paid.

(5) If the additional contribution exceeds the terminal sum the excess is to be paid in such manner as may be agreed.

(6) If—

- (a) the counting of the war service period does not increase the retirement benefits payable, and
- (b) no election is made under paragraph (8),

no additional contribution is payable under paragraph (2).

(7) This paragraph applies where the whole of the person’s other reckonable service would, in the event of his death, count in the calculation under regulation E26 of a spouse’s or nominated beneficiary’s pension (“the family pension”).

(8) Where paragraph (7) applies the person may elect that there is to be paid, by way of a further deduction from the appropriate terminal sum, an additional contribution in respect of his war service.

(9) The amount of the additional contribution is the actuarial cost of the increase in the family pension that would result from the war service period's counting under regulation E26(4)(c).

(10) An election under paragraph (8) must be made by giving written notice to the Secretary of State before the appropriate terminal sum is paid.

(11) If a person who could have made an election under paragraph (8) dies without having made it, the election may be made by the nominated beneficiary or surviving spouse before the appropriate terminal sum has been paid.

### **Additional contributions for current period**

**C8.**—(1) Subject to paragraphs (11) to (13), this regulation applies, unless his pensionable employment was employment as a relief teacher, to a person who—

- (a) before attaining the age of 60 has ceased to be in pensionable employment, otherwise than by virtue of an election under regulation B6, and
- (b) was not then incapacitated, and
- (c) did not then become entitled to payment of retirement benefits, and
- (d) has not become a member of another occupational pension scheme.

(2) Subject to paragraphs (3), (4) and (10), a person to whom this regulation applies may elect to pay additional contributions in order to become entitled to count as reckonable service a period ("the period") beginning on the day after the cessation of the pensionable employment, or where paragraph (4)(a) applies on the day after the last day of the earlier period.

(3) The period—

- (a) must end before his 60th birthday, and
- (b) must not in any case exceed the maximum calculated in accordance with Schedule 3, and
- (c) if he has become employed as a teacher or supervisor in a school or educational service outside the British Islands, must not exceed 6 years, and
- (d) in any other case, must not exceed 3 years.

(4) If the person has paid additional contributions under this regulation for an earlier period and—

- (a) he has not since the end of that period been in pensionable employment, or
- (b) he has since been in pensionable employment but for less than 12 months, the earlier period is to be deducted from the maximum allowed by paragraph (3).

(5) If before the end of the period the person—

- (a) becomes entitled to payment of retirement benefits, or
- (b) becomes a member of another occupational pension scheme, or
- (c) dies,

the period is to be treated as having ended on the day on which the relevant event occurred; and if before the end of the period he fails to pay an additional contribution, or a late payment is not accepted under paragraph (9), it is to be treated as having ended on the day up to which contributions have been paid.

(6) An additional contribution is payable for each financial year and is a percentage of the notional salary for so much of the period as falls within that year.

(7) The notional salary is the salary that would have been payable if pensionable employment had not ceased and the person had continued to be employed in the same post and on the same terms;

and the percentage is (A+B), where A is the percentage specified under regulation G4(3) and B is any percentage specified under regulation G4(7) and (8).

(8) The contribution for a financial year is to be paid direct to the Secretary of State—

- (a) where the period has not ended during the financial year, within 3 weeks after the end of the financial year, and
- (b) in any other case, within 6 weeks after the end of the period or the date of a written notification by the Secretary of State that payment is due, whichever is the later.

(9) A late payment of a contribution may for special reasons be accepted by the Secretary of State; but if it is accepted the person is to pay interest on the amount of the contribution at 4 per cent per annum, compounded with yearly rests, from the due date of payment to the date of payment.

(10) An election under this regulation must be made by giving written notice to the Secretary of State, which must specify the period and must be given—

- (a) if paragraph (3)(c) applies, within 6 months, and
- (b) in any other case, within 3 months,

after the cessation of his pensionable employment or, if later, the end of a previous period for which he has paid additional contributions under this regulation.

(11) For the purposes only of this regulation a person remains in pensionable employment while he is absent from duty during and in consequence of a trade dispute.

(12) Paragraph (11) applies—

- (a) even if the person was not participating in or financing or otherwise directly interested in the trade dispute, and
- (b) even if his employer was not a party to the trade dispute.

(13) In this regulation “trade dispute” has the meaning given by section 29 of the Trade Union and Labour Relations Act 1974(13).

### **Additional contributions for family benefits**

**C9.**—(1) Parts I and III of Schedule 6 have effect for enabling men and unmarried women to pay additional contributions (“family benefit contributions”) in order to secure, or to increase, family benefits in respect of reckonable service before April 1972.

(2) Parts II and III of Schedule 6 have effect for enabling married women to pay family benefit contributions in respect of reckonable service before 6th April 1988.

### **Right to repayment of balance of contributions**

**C10.**—(1) Subject to paragraphs (3) and (4), this regulation applies where a person has ceased to be in pensionable employment and—

- (a) if he ceased to be in pensionable employment by virtue of an election under regulation B6, he had not completed one or more periods of the kinds described in Part I of Schedule 9 amounting to 2 years or more, and
- (b) in any other case, he is not qualified for retirement benefits, and
- (c) no transfer value has since been paid or become payable in respect of him, and
- (d) he has not since taken any right to a cash equivalent, and

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(13) 1974 c. 52; part of section 29(3) was repealed by the Trade Union and Labour Relations (Amendment) Act 1976 (c. 7), section 1(d), and section 29(7) was repealed by the Criminal Law Act 1977 (c. 45), section 65 and Schedule 13; further amendments were made to section 29 by the Employment Act 1982 (c. 46), section 18.

- (e) he did not within the relevant period re-enter pensionable employment, and
- (f) the relevant period is not a period, or part of a period, for which he has elected to pay additional contributions under regulation C8.
- (2) The relevant period is—
  - (a) if he has ceased to be ordinarily resident within the area comprising the British Islands and the Republic of Ireland, the period of one month, and
  - (b) in any other case, the period of 3 months,
 beginning when he ceased to be in pensionable employment.
- (3) Subject to paragraph (4), this regulation does not apply if—
  - (a) the person ceased to be in pensionable employment before 6th April 1980, and
  - (b) his contributable salary in any year had exceeded £5,000.
- (4) If the Secretary of State is satisfied that the excess was caused solely by a general increase in the remuneration of teachers authorised after the person ceased to be in pensionable employment, he may after consulting the Commissioners of Inland Revenue apply this regulation to him.
- (5) For the purposes of paragraph (1) a woman who ceased to be in pensionable employment wholly or partly because of pregnancy or confinement is to be treated—
  - (a) as having remained in such employment while she enjoyed the right to return to work conferred by sections 45 and 47 of the Employment Protection (Consolidation) Act 1978<sup>(14)</sup>, and
  - (b) if she has exercised that right, as not having ceased to be in pensionable employment.
- (6) Subject to regulation C13 (application for payment), where this regulation applies the person is entitled to be repaid the balance of his contributions, calculated in accordance with regulation C11.
- (7) The entitlement takes effect at the end of the relevant period, or on his 70th birthday if earlier.

### Calculation of balance of contributions

- C11.**—(1) The balance of contributions is to be calculated as at the date of the calculation, or the person's 70th birthday if earlier ("the calculation date").
- (2) The balance is  $(A-B)-C$ , where—
    - A is the total of the amounts specified in paragraph (3),
    - B is the total of the deductions specified in paragraph (4), and
    - C is the amount of the tax chargeable on  $(A-B)$  under section 598 of the Income and Corporation Taxes Act 1988<sup>(15)</sup>.
  - (3) The amounts are those of—
    - (a) all contributions paid, up to the date of receipt of the application for repayment, under regulations C2, C3, C8 and C9, except—
      - (i) any treated for the purposes of regulation G2 as employer's contributions, and
      - (ii) any paid in respect of a period of employment for which a short service incapacity grant under regulation E17 has been received, and
    - (b) contributions paid in respect of any comparable British service in respect of which the person is entitled to count reckonable service by virtue of the receipt of a transfer value, and

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<sup>(14)</sup> 1978 c. 44; section 47 was amended by the Employment Act 1980 (c. 42), section 11(3).

<sup>(15)</sup> 1988 c. 1.

- (c) if the person was entitled to count any reckonable service by virtue of the receipt of a transfer value in respect of an employment that was not comparable British service, either—
  - (i) any payment by way of repayment of contributions, and interest, that he would otherwise have been entitled to receive under the rules of the superannuation scheme to which he was subject in the employment, or
  - (ii) if that scheme made no provision for the repayment of contributions, the contributions he paid under it in respect of the employment, and
- (d) interest to the calculation date, at 3 per cent per annum, compounded with yearly rests—
  - (i) on the contributions mentioned in sub-paragraphs (a) and (b), from the first day of the financial year following that in which they were paid, and
  - (ii) where sub-paragraph (c) applies, from the first day of the financial year following that in which the transfer value was paid.
- (4) The deductions are—
  - (a) the amount of any previous repayment of contributions,
  - (b) if the Secretary of State has made a payment in lieu of contributions, or the person is entitled to equivalent pension benefits, half the amount of the payment in lieu of contributions that was, or as the case may be would otherwise have been, made, and
  - (c) if the Secretary of State has paid a contributions equivalent premium, the amount recoverable by him under section 47 of the Pensions Act(16).

### **Repayment of certain contributions paid for family benefits**

**C12.**—(1) This paragraph applies where a member who has made no election under paragraph 3 of Schedule 6—

- (a) becomes entitled under regulation C10 to the repayment of the balance of his contributions, or
  - (b) becomes entitled to have a transfer value paid under regulation F1, unless by giving written notice to the Secretary of State he elects that this regulation is not to apply, or
  - (c) becomes entitled to payment of retirement benefits, unless on his death family benefits would become payable.
- (2) Subject to regulation C13, where paragraph (1) applies the member is entitled to be repaid an amount calculated in accordance with paragraphs (3) to (5).
- (3) Where no family benefit would have been payable if the member had died before 1st April 1972, the amount includes the whole of his normal contributions and any additional contributions.
- (4) Where paragraph (3) does not apply, the amount includes—
  - (a) half the normal contributions paid in respect of any period during which family benefits would have been payable in the event of his death, and
  - (b) the whole of the normal contributions paid in respect of any other period, and
  - (c) the whole of any additional contributions.
- (5) The remainder of the amount consists of interest at 3 per cent per annum, compounded with yearly rests, from the first day of the financial year following that in which the contributions were paid to—
  - (a) the date of the calculation, or

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(16) 1975 c. 60; section 47 was amended by the Social Security Act 1985 (c. 53), Schedule 5, paragraphs 29 and 30.

- (b) the member's 70th birthday, or
- (c) the date of his death,

whichever is the earliest.

(6) There is to be deducted from the amount the tax chargeable on it under section 598 of the Income and Corporation Taxes Act 1988.

(7) Subject to regulation C13, where a member who has made no election under paragraph 3 of Schedule 6 dies and he was entitled under regulation C10 to be repaid the balance of his contributions or—

- (a) a death grant is payable under regulation E19, and
- (b) no family benefit other than a children's pension is payable,

his personal representatives are entitled to be paid an amount calculated in accordance with paragraphs (3) to (5) but with the interest component calculated to the date of his death.

### **Application for repayment**

**C13.**—(1) An amount to which a person is entitled under regulation C10 or C12 is to be paid to him only if the Secretary of State receives a written application for payment and paragraph (2), if applicable, is complied with.

(2) If the Secretary of State notifies him in writing that he so requires, the applicant is to provide any relevant information specified by the Secretary of State that is in his possession or that he can reasonably be expected to obtain.

### **Return of repaid contributions**

**C14.**—(1) A person to whom contributions were repaid before June 1973—

- (a) who is in pensionable employment, or
- (b) who is in comparable British service and in respect of whom no transfer value has been paid since the end of his last pensionable employment,

may at any time, by giving written notice to the Secretary of State, elect to return the contributions, with interest, to him.

(2) The return—

- (a) may in any case, and
- (b) if the amount of the contributions, together with the interest payable, does not exceed £500, must,

be made by a single payment.

(3) Except where paragraph (2)(b) applies, the person may elect to make the return—

- (a) if he is in full-time pensionable employment, by instalments under paragraph (5), or
- (b) if he is in part-time pensionable employment or in comparable British service, by instalments under paragraph (7).

(4) Interest is payable at the rate of 3.5 per cent per annum from the date on which the contributions were repaid to the date on which their return is completed, and—

- (a) where the return is made by a single payment, is payable on the full amount of the contributions and is compounded with yearly rests, and
- (b) where the return is made by instalments, is payable on the balance for the time being outstanding and is compounded with yearly rests on 31st March.



(5) Instalments payable under this paragraph are of equal amounts and are, subject to paragraph (6), payable by deduction from the person's salary for a number of whole years, not exceeding 5 and ending before his 61st birthday, to be specified in the notice of the election.

(6) Where the total of—

- (a) the instalments payable by a person under paragraph (5) in any year, and
- (b) the other amounts to be deducted in that year under regulation C16, would otherwise exceed 15 per cent of his contributable salary for that year, the instalments are payable for the smallest number of whole years that will secure that that total does not exceed 15 per cent of his annual contributable salary.

(7) Instalments payable under this paragraph are of equal amounts and are, subject to paragraph (8), payable—

- (a) at equal intervals, of not more than six months, and
- (b) for a period,

determined by the Secretary of State after consulting the person making the election.

(8) The annual amount of instalments paid under paragraph (7) is not to exceed the lesser of—

$$(A-D) \text{ and } \left\{ \frac{B}{C} - D \right\}$$

where—

A is 9 per cent of the annual rate of the person's contributable salary at the date on which notice of the election is received,

B is the amount of the contributions and the interest payable,

C is the length of the period mentioned in paragraph (7), and

D is the excess of any amounts to be deducted under regulation C16 over 6 per cent of the annual rate mentioned in A.

(9) Where immediately before 1st November 1988 instalments remained to be paid by virtue of regulation 19B(7) of the 1976 Regulations (certain elections made before April 1984), the person is to be treated as having elected to pay instalments under paragraph (5), but payment is to be completed no later than—

- (a) the fifth anniversary of the first payment, or
- (b) if earlier, his 60th birthday.

### Uncompleted return by instalments of repaid contributions

#### C15. —

(1) This Regulation applies where instalments are payable by a person under regulation C14(5) or (7).

(2) If before all the instalments have been paid—

- (a) the person becomes entitled to payment of retirement benefits, or
- (b) a death grant becomes payable in respect of him,

the balance outstanding, discounted for early payment, is to be deducted from the appropriate terminal sum and the return of the contributions is to be treated as having been completed.

(3) This paragraph applies where the instalments are payable under regulation C14(5) and before they have all been paid the person—

- (a) ceases to be in full-time pensionable employment, and

- (b) does not become entitled to payment of retirement benefits, and
- (c) continues in part-time pensionable employment or in comparable British service.
- (4) Where paragraph (3) applies—
  - (a) the person may elect to pay the balance outstanding by instalments under regulation C14(7), and
  - (b) if he does not so elect, he is to make a single payment of the balance outstanding, discounted for early payment.
- (5) This paragraph applies where before all the instalments have been paid—
  - (a) the person ceases to be in pensionable employment or in comparable British service, and
  - (b) neither paragraph (2) nor paragraph (3) applies.
- (6) Where paragraph (5) applies—
  - (a) the person may, if he elects to pay additional contributions for a current period under regulation C8, elect to pay the balance outstanding by instalments under regulation C14(7) (but payable at the same times as the additional contributions), and
  - (b) if he does not so elect, he is to make a single payment of the balance outstanding, discounted for early payment.
- (7) Where paragraph (3) or (5) applies and the person has not within 3 months after the end of the relevant employment—
  - (a) made a payment under paragraph (4)(b) or (6)(b), or
  - (b) made any election he could have made under paragraph (4)(a) or (6)(a),
 the amount of the instalments already paid is to be repaid to him.
- (8) Where—
  - (a) a person who has elected as mentioned in regulation C14(3)(b) is in part-time pensionable employment or in comparable British service and an instalment has not been paid by the due date, or
  - (b) a person has made an election under paragraph (4)(a) and an instalment has not been paid by the due date, or
  - (c) a person has made an election under paragraph (6)(a) and an instalment is not paid by 21st April in the financial year following that in which it fell due,
 then unless within 3 months he makes a single payment of the balance outstanding, discounted for early payment, the amount of the instalments already paid is to be repaid to him.

### **Deduction, payment and recovery of contributions**

**C16.**—(1) The employer of a person in pensionable employment, other than a services education officer, is to deduct from his salary each month—

- (a) the contributions payable under regulation C2(1),
- (b) any additional contributions payable in accordance with Part I or III of Schedule 4 as a result of an election under regulation C3,
- (c) any additional contributions payable by virtue of regulation C5 or C9, and
- (d) any instalments payable under regulation C14(5),

and any amount not so deducted in any month is to be deducted from the employee's salary no later than 30th April next following the end of the financial year in which it ought to have been deducted.

(2) If and so far as deductions are not made under paragraph (1), any sum remaining due is to be paid by the employee to the Secretary of State on receipt of a written demand specifying the sum.

(3) If the sum is not paid within 6 weeks after the date of the demand, interest is payable on it at 4 per cent per annum, compounded with yearly rests, from the expiry of the 6 weeks to the date of payment.

(4) Without prejudice to any other means of recovery, any sum due to the Secretary of State under paragraph (2) or (3) may be recovered by deducting it from any benefits payable under Part E.

(5) Amounts due from a person under this Part which are not deductible under paragraph (1) are to be paid by him to the Secretary of State.

(6) If any amount to which paragraph (5) applies, except one due under regulation C8, C14 or C15, is not paid within 6 months after the end of the period to which it relates, but remains payable, interest is payable on it at 4 per cent per annum, compounded with yearly rests, from the expiry of the 6 months to the date of payment.

## PART D

### RECKONABLE SERVICE

#### Reckonable service generally

**D1.**—(1) Subject to regulation D2, a person is entitled to count as reckonable service—

- (a) subject to paragraph (2), any period spent by him in pensionable employment,
- (b) any period counting as reckonable service by virtue of regulations D3 to D6 or of regulation F5(7) (receipt of transfer value),
- (c) any period which does not count by virtue of sub-paragraph (a) or (b) but which immediately before 1st November 1988 counted as reckonable service under regulation 4(1) of the 1976 Regulations,
- (d) any period which immediately before 1st November 1988, under regulations 7 and 72(1) (a) of the 1976 Regulations (war service), was capable of counting as reckonable service for the purpose of calculating benefits under Part III of those Regulations, and
- (e) any period of specified country service.

(2) Where during a financial year a person has spent one or more periods in part-time pensionable employment the length at which each such period counts as reckonable service is—

$$365 \times \frac{A}{B}$$

where—

A is the person's contributable salary for the period, and

B is what his contributable salary for the whole of the financial year would have been if the employment had been full-time and had continued throughout the year.

(3) For the purposes of paragraph (2)—

- (a) a period of part-time employment ends, and another such period begins, when any change occurs in the rate of the person's contributable salary,
- (b) no account is to be taken of any reduction in contributable salary during a period of sick leave or maternity leave,
- (c) if a half or any greater fraction of a day results it is to be taken as one day, and any smaller fraction resulting is to be left out, and

- (d) if the calculation would result in more than 365 days' counting as reckonable service in respect of the financial year, the excess does not so count.

### **Exclusion from reckonable service**

**D2.** The following do not count as reckonable service:

- (a) any contributions refund period, and
- (b) any period in respect of which a transfer value has been paid under regulation F1 or a cash equivalent has been paid,

and where a period related to war service counted by virtue of regulation 4(1)(d) or regulations 7 and 72(1)(a) of the 1976 Regulations, regulations D5 and D6 do not apply.

### **Past period for which additional contributions have been paid**

**D3.—**(1) A person—

- (a) who has paid additional contributions for a past period in accordance with Part II or Part IV of Schedule 4, or
- (b) who has completed payment of additional contributions in accordance with Part I or Part III of Schedule 4, or with Schedule 5,

is entitled to count the past period as reckonable service.

(2) A person who has begun to pay additional contributions in accordance with Part I or Part III of Schedule 4, or has continued to pay them in accordance with Schedule 5, but who has not completed payment is entitled to count as reckonable service a period calculated in accordance with Schedule 7.

### **Current period for which additional contributions have been paid**

**D4.** A person who has paid additional contributions for a current period in accordance with regulation C8 is entitled—

- (a) if he was in full-time pensionable employment immediately before the start of the period, to count as reckonable service the period in respect of which they were paid, or
- (b) if he was then in part-time pensionable employment, to count as reckonable service the proportion of the period that would have counted under regulation D1 if he had continued in that employment.

### **War service reckonable without receipt of a transfer value**

**D5.—**(1) If a claim has been made to the Secretary of State, this regulation applies where—

- (a) a person was entitled at the material time to count a period as reckonable service for the purposes of the 1976 Regulations or previous provisions by virtue of a period of service of a kind described in the first column of Part I of Schedule 8 (“qualifying service”), and
- (b) the condition specified opposite the qualifying service in the second column is satisfied.

(2) A claim made for the purposes of this regulation may be treated as ineffective if it is not supported by a certificate, given by or on behalf of the scheme managers of the pension scheme appropriate to the qualifying service, as to the satisfaction of the condition and as to the duration of the person’s war service.

(3) The material time is 1st April 1978, unless the person died before that date but after 31st August 1974 when it is the time of his death.

(4) Where this regulation would be capable of applying by virtue of more than one period of qualifying service it applies by virtue only of the first such period, and the others are to be disregarded.

(5) Subject to paragraphs (6) and (7), where this regulation applies the person is to be treated as having been entitled at the material time to count as reckonable service—

- (a) where the qualifying service is police or fire service or Northern Ireland police or fire service, a period equal to  $63\frac{2}{3}$  per cent of his war service, and
- (b) in any other case, a period equal to 47 per cent of his war service.

(6) Where the person died before 1st April 1978, paragraph (5) does not apply for the purpose of calculating any terminal payment or the rate before that date of any family benefits.

(7) Where paragraph (5) applies for the purpose of calculating a retirement lump sum, the period is to be treated as reckonable service before 1st October 1956.

(8) In this regulation “war service” has the meaning given, in relation to the qualifying service, in the third column of Part I of Schedule 8.

#### **War service reckonable on receipt of additional transfer value**

**D6.**—(1) If a claim has been made to the Secretary of State, this regulation applies to a person—

- (a) who had war service within the meaning of a qualifying public service scheme (“war service”), and
- (b) who ceased to be in service or employment in which he was subject to that scheme at a time when he could not reckon service for the purposes of the scheme by virtue of his war service but could have done so had he continued in that service or employment, and
- (c) in respect of whom a transfer value became payable to the Secretary of State before 1st April 1978 which took account of that service or employment, and
- (d) who by virtue of that transfer value was on 1st April 1978 entitled to count reckonable service for the purposes of the 1976 Regulations, and
- (e) in respect of whom an appropriate additional transfer value has been accepted.

(2) The public service schemes are the Universities Superannuation Scheme and any occupational pension scheme established by or under an enactment or the Royal Prerogative or a Royal Charter—

- (a) all the particulars of which are set out in, or in a legislative instrument made under, an enactment, Royal Warrant or charter, or
- (b) which cannot come into force, or be amended, without the scheme or amendment being approved by a Minister of the Crown or government department,

and a qualifying public service scheme is one that does not fall within paragraph (3).

(3) The schemes that are not qualifying ones are—

- (a) the schemes referred to in the first column of Part I of Schedule 8, and
- (b) any Scottish or Northern Ireland teachers' scheme, that is to say—
  - (i) a scheme comprised in regulations extending to Scotland only from time to time in force under section 9 of the Superannuation Act 1972, the Teachers Superannuation (Scotland) Act 1968<sup>(17)</sup> or section 102 of the Education (Scotland) Act 1962<sup>(18)</sup> or comprised in a Teachers Superannuation Scheme (within the meaning of section 145(47) of the said Act of 1962) from time to time in force, or

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<sup>(17)</sup> 1968 c. 12; partially repealed with savings by section 29(4) of the Superannuation Act 1972 (c. 11).

<sup>(18)</sup> 1962 c. 47; sections 102 and 145(47) were repealed by the Education (Scotland) Act 1980 (c. 44), Schedule 5.

- (ii) a scheme comprised in, or in regulations or rules from time to time in force under, article 11 of the Superannuation (Northern Ireland) Order 1972<sup>(19)</sup> or the Teachers Superannuation Acts (Northern Ireland) 1950 to 1967<sup>(20)</sup> or a 1923 Act Scheme (within the meaning of the Teachers Superannuation Act (Northern Ireland) 1950<sup>(21)</sup>).

(4) An appropriate additional transfer value is, subject to paragraph (5), one paid under any qualifying public service scheme which—

- (a) is paid in pursuance of war service provisions which had effect while the person was alive, and
- (b) is calculated, by reference to his war service, in the same manner as an additional transfer value payable by the Secretary of State under regulation F2, and war service provisions are provisions analogous to those which were contained in regulations 2 to 7 of the Teachers' Superannuation (War Service, etc.) Regulations 1975<sup>(22)</sup>.

(5) Notwithstanding that it complies with paragraph (4), an additional transfer value is not an appropriate one if, after the end of his war service and before entering the service or employment in which he was subject to the qualifying public service scheme, the person was subject to another such scheme by virtue of which this regulation would be capable of applying to him.

(6) A person to whom this regulation applies is entitled to count as reckonable service, or as the case may be is to be treated as having been entitled to count as reckonable service for the purposes of the 1976 Regulations, a period of—

$$\frac{A}{B} \text{ years,}$$

where—

A is the basic transfer value, and

B is his adjusted pensionable emoluments.

(7) The basic transfer value is the additional transfer value less the amount representing compound interest, and the adjusted pensionable emoluments are the pensionable emoluments by reference to which the additional transfer value was calculated multiplied by the age factor ascertained from the table in Part II of Schedule 8.

## PART E

### BENEFITS

#### Overriding provision as to guaranteed minimum pensions

**E1.**—(1) This regulation applies where a person's pensionable employment is contracted-out employment.

(2) Where this regulation applies it overrides anything in these Regulations that is inconsistent with it, except regulations E14 (abatement on re-employment) and E18 (deferment etc.).

(3) Where this regulation applies and the person has a guaranteed minimum in relation to benefits under these Regulations—

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<sup>(19)</sup> S.I. 1972/1073 (N.I. 10).

<sup>(20)</sup> 1950 c. 33 (N.I.); 1951 c. 28 (N.I.) (in part); 1956 c. 22 (N.I.); 1963 c. 7 (N.I.); 1967 c. 3 (N.I.); partially repealed with savings by article 23 of the Superannuation (Northern Ireland) Order 1972 (S.I. 1972/1073 (N.I. 10)).

<sup>(21)</sup> 1950 c. 33 (N.I.).

<sup>(22)</sup> S.I. 1975/276, revoked by S.I. 1976/1987.

- (a) unless on the cessation of the pensionable employment he is entitled to a retirement pension at a higher rate, he is from the date on which he attains state pensionable age entitled to a pension at a weekly rate equal to his guaranteed minimum,
  - (b) if he attains state pensionable age while in pensionable employment, continues in the same employment for a further period of 5 years and does not then cease to hold it, he is (unless he consents to a postponement of the entitlement) entitled from the end of that period to so much of his retirement pension as equals his guaranteed minimum,
  - (c) in the case of a man who dies at any time and leaves a widow, unless she is entitled to a widow's pension at a higher rate she is, during any such period as is mentioned in section 36(6) of the Pensions Act(23), entitled to a pension at a weekly rate equal to half his guaranteed minimum, and
  - (d) in the case of a woman who dies at any time leaving a widower who is not entitled to a widower's pension at a higher rate, in circumstances prescribed under section 36(7A) of the Pensions Act(24) the widower is entitled to a pension payable for the period so prescribed.
- (4) The weekly rate of a widower's pension payable under paragraph (3)(d) is half of that part of the deceased's guaranteed minimum which is attributable to earnings factors for the tax year 1988—89 and subsequent tax years.
- (5) In paragraph (4) "earnings factors" means the earnings factors referred to in section 35 of the Pensions Act and "tax year" means a period of 12 months beginning with 6th April.

### **Nature of retirement benefits**

#### **E2.** Retirement benefits consist of—

- (a) a retirement pension, and
- (b) a retirement lump sum,

calculated in accordance with this Part.

### **Qualification for retirement benefits**

#### **E3.—**(1) A person is qualified for retirement benefits if—

- (a) immediately before 6th April 1988 he would but for his age have been entitled under regulation 53 of the 1976 Regulations to payment of an annual allowance and an additional allowance, or
  - (b) an appropriate qualifying period has been completed.
- (2) A qualifying period, which may be discontinuous, comprises—
- (a) where paragraph (3) or (4) applies, every period of a kind described in Part I of Schedule 9, or
  - (b) where paragraph (5) applies, every period of a kind described in Schedule 9,

excluding, in either case, any contributions refund period.

(3) If the person was in pensionable employment, or paying contributions for a current period under regulation C8, on 6th April 1988, any qualifying period of 2 years is an appropriate one.

(4) If paragraph (3) does not apply but the person has subsequently entered pensionable employment, a qualifying period of 2 years beginning after 5th April 1988 is an appropriate one;

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(23) 1975 c. 60; section 36(6) was repealed in part by the Social Security Act 1986 (c. 50), Schedule 11.

(24) Section 36(7A) was inserted by the Social Security Act 1986, section 9(3)(c).

and any period of the kind described in paragraph 4 of Schedule 9 (transfer value received) is to be treated for the purposes of this paragraph as having begun after 5th April 1988.

(5) If neither paragraph (3) nor paragraph (4) applies, any qualifying period of 5 years is an appropriate one.

(6) Notwithstanding that an appropriate qualifying period has not been completed, a person is qualified for retirement benefits—

- (a) subject to paragraph (7), if he has a guaranteed minimum in relation to benefits under these Regulations, or
- (b) if a transfer value was paid in respect of him by the Secretary of State to the superannuation scheme of the Commission of the European Communities and one has since been received by the Secretary of State from that scheme.

(7) If a contributions equivalent premium is paid by the Secretary of State, paragraph (6)(a) is to be treated as not having applied.

### **Entitlement to payment of retirement benefits**

**E4.**—(1) Subject to regulation E31(2) (application for payment), a person qualified for retirement benefits becomes entitled to payment of them in any of the Cases described in this regulation.

(2) In Case A the person—

- (a) has attained the age of 60,
- (b) has ceased to be in pensionable employment, and
- (c) is not within Case B, C or D.

(3) In Case B the person—

- (a) has attained the age of 60,
- (b) is in employment falling within paragraph 5, 6, 7 or 8 of Schedule 9, and
- (c) has elected under regulation E29(3) that his salary in the employment is not to count in calculating his average salary.

(4) In Case C the person—

- (a) has attained the age of 60, and
- (b) has ceased to be in employment falling within paragraph 5, 6, 7 or 8 of Schedule 9.

(5) In Case D the person—

- (a) has attained the age of 70, and
- (b) is in an employment which would be pensionable employment but for regulation B5(1)(a).

(6) In Case E the person—

- (a) has not attained the age of 60,
- (b) has ceased after 31st March 1972 to be in pensionable employment,
- (c) has become incapacitated, and
- (d) is not within Case F.

(7) In Case F the person—

- (a) has not attained the age of 60,
- (b) has attained the age of 50,
- (c) has ceased after attaining that age to be in pensionable employment, and
- (d) is not within Case E,



and his employer has notified the Secretary of State in writing that his pensionable employment was terminated by reason of his redundancy or in the interests of the efficient discharge of the employer's functions.

(8) In Cases A to D the entitlement takes effect as soon as the person falls within the Case.

(9) In Case E the entitlement takes effect—

- (a) as soon as the person falls within the Case, or
- (b) if later, 6 months before the date of the last of any medical reports considered by the Secretary of State in determining under regulation H7 that the person had become incapacitated.

(10) In Case F the entitlement takes effect as from the day after the end of the pensionable employment.

### **Amount of retirement pension**

**E5.**—(1) Subject to paragraphs (2) to (4) and regulations E7 to E10, the annual rate of a person's retirement pension is  $\frac{1}{80}$ th of his average salary multiplied by his effective reckonable service.

(2) If—

- (a) the person is entitled to count a period as reckonable service by virtue of regulation D3 (past period purchased by additional contributions), and
- (b) by reason of regulation E30(4) part of that period does not count in calculating his retirement lump sum,

the annual rate calculated in accordance with paragraph (1) is, in respect of each year comprised in that part, increased by  $\frac{1}{350}$ th of his average salary.

(3) If—

- (a) the person has a guaranteed minimum, and
- (b) A exceeds B, where—

A is the annual equivalent of his guaranteed minimum pension together with that of any equivalent pension benefits, and

B is the annual rate calculated in accordance with paragraphs (1) and (2),  
the annual rate of his retirement pension is A.

(4) If a contributions equivalent premium has been paid in respect of the person and has not been refunded (and his entitlement to a guaranteed minimum pension is therefore extinguished) the annual rate of his retirement pension is reduced by the annual equivalent of the guaranteed minimum pension to which he would otherwise have been entitled.

### **Amount of retirement lump sum**

**E6.**—(1) Subject to paragraph (2) and regulations E7 and E8, the amount of a person's retirement lump sum is  $(A \times B) + (C \times (D + E))$ , where—

A is  $\frac{1}{30}$ th of his average salary,

B is his effective reckonable service before 1st October 1956 (except any falling within E),

C is  $\frac{3}{80}$ ths of his average salary,

D is his effective reckonable service after 30th September 1956 (except any falling within E),  
and

E is any period which he is entitled to count as reckonable service by virtue of regulation D3.

(2) If—

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the person's reckonable service includes service before 1st October 1956, and  
 (b) his effective reckonable service is restricted by regulation E30(2),  
 the part of his retirement lump sum that is attributable to service before he attained the age of 60 is not to exceed his average salary multiplied by  $1\frac{1}{2}$ .

#### **Limitation of retirement benefits where salary reduced**

**E7.**—(1) This regulation applies to a person who has made an election under regulation C1(6) (reduced salary treated as having continued at previous rate) and whose average salary falls to be calculated by reference to the notional rate.

(2) The annual rate of the person's retirement pension is not to exceed the fraction of the appropriate sum ascertained, by reference to the relevant age, from the Table below.

**TABLE**

| Relevant age | Fraction       |
|--------------|----------------|
| Under 50     | $\frac{1}{2}$  |
| 50           | #              |
| 51           | $\frac{3}{10}$ |
| 52           | #              |
| 53           | $\frac{1}{10}$ |
| 54           | $\frac{1}{14}$ |

(3) Where the person has been in pensionable employment for less than 20 years, his retirement lump sum is not to exceed  $8\frac{30}{100}$ ths of the appropriate sum multiplied by the total of his reckonable service and the period ascertained, by reference to the length of time he has been in pensionable employment, from the Table below.

**TABLE**

| Years in pensionable employment | Period in years |
|---------------------------------|-----------------|
| 19                              | 17              |
| 18                              | 15              |
| 17                              | 13              |
| 16                              | 11              |
| 15                              | 9               |
| 14                              | 7               |
| 13                              | 5               |
| 12                              | 4               |
| 11                              | 3               |
| 10                              | 2               |
| 9                               | 1               |
| Fewer than 9                    | 0               |

(4) Where the person has been in pensionable employment for 20 years or more his retirement lump sum is not to exceed the appropriate sum multiplied by  $1\frac{1}{2}$ .

(5) The appropriate sum is the greater of—

- (a) the person's contributable salary for the best one of his last 5 years in pensionable employment, and
- (b)  $\frac{1}{3}$ rd of his aggregate contributable salary for his best 3 consecutive years in pensionable employment within the 10 years ending with its cessation,

and for the purposes of paragraph (2) the relevant age is his age when he first entered pensionable employment, unless he was not continuously in pensionable employment in which case it is the figure obtained by subtracting the number of years in pensionable employment from 60.

### **Enhancement of retirement benefits in case of incapacity**

**E8.**—(1) This regulation applies to a person who has become entitled to payment of retirement benefits by virtue of regulation E4(6) by reason of his having become incapacitated before ceasing to be in pensionable employment, but only if—

- (a) he had completed periods of the kinds described in Part I of Schedule 9 totalling at least 5 years, excluding any contributions refund period, and
- (b) the application for payment required by regulation E31 is made within 6 months after the end of his pensionable employment.

(2) Subject to regulation E30(2) (limitation of effective reckonable service to 45 years, etc.), for the purpose of calculating his retirement benefits the effective reckonable service of a person to whom this regulation applies is to be treated as having been increased by the appropriate period.

(3) If the person's relevant service amounts to less than 10 years, the appropriate period is the shorter of—

- (a) the length of his relevant service, and
- (b) the period beginning when his pensionable employment ended and ending immediately before his 65th birthday.

(4) If his relevant service amounts to 10 years or more, the appropriate period is the longer of period A and period B.

(5) Period A is the shortest of—

- (a) the period by which his relevant service falls short of 40 years,
- (b) the period beginning when his pensionable employment ended and ending immediately before his 60th birthday, and
- (c) 6 years and 243 days.

(6) Period B is so much of the period beginning when his pensionable employment ended and ending immediately before his 65th birthday as would not cause his effective reckonable service to be increased to more than 20 years.

(7) A person's relevant service is so much of his effective reckonable service as does not consist of periods that count—

- (a) by virtue of regulation D3 (past period purchased by additional contributions), or
- (b) by virtue of the application to him of regulation 7 of the 1976 Regulations (war service).

### **Avoidance of duplicate pensions**

**E9.**—(1) Subject to paragraph (2), this regulation applies where a person's effective reckonable service includes a period that also counts towards another pension payable directly or indirectly out of moneys provided by Parliament or raised by a rate ("the double period").

(2) This regulation does not apply where the other pension is subject to reduction under regulation E14 of the Local Government Superannuation Regulations 1986<sup>(25)</sup>.

(3) Subject to paragraphs (4) and (5), where this regulation applies the person's retirement benefits are reduced by so much as is necessary to secure that A is reduced by B, where—

A is the actuarial value of the retirement benefits in respect of the double period, and

B is the actuarial value of the other pension in respect of that period.

(4) A is not to be reduced to less than the actuarial value of (C+D), where—

C is the contributions paid by the person in respect of the double period, including any paid under regulation C8, and

D is interest on those contributions at 3 per cent per annum, compounded with yearly rests, from the first day of the financial year following that in which they were paid to the date on which he became entitled to payment of the retirement pension.

(5) A retirement pension is not to be reduced so that so much of it as is attributable to the double period falls below the rate of any equivalent pension benefits attributable to that period.

(6) The other pension mentioned in this regulation includes any sum payable, whether as a continuing allowance or as a lump sum, by way of pension, superannuation allowance, compensation for loss or abolition of office or otherwise in respect of retirement.

### **National Insurance modification of pensions**

**E10.** Part I of Schedule 10 has effect for modifying the retirement pensions of persons who were in pensionable employment before 1st April 1980.

### **Allocation of part of retirement pension**

**E11.**—(1) A person who has become qualified for retirement benefits may, unless he becomes entitled to payment of them by virtue of regulation E4(6) (incapacity), allocate part of his retirement pension to the provision of an alternative benefit.

(2) The alternative benefit may be either—

(a) an annuity for life, commencing on the death of the person making the allocation ("the allocator"), for a surviving spouse or dependant, or

(b) an annuity payable to the allocator while the allocator and a spouse are both alive, and if the spouse is the survivor a subsequent annuity for life, at twice the rate of the first annuity, for the spouse.

(3) The rates of the annuities mentioned in paragraph (2) are to be determined in accordance with tables prepared by the Government Actuary.

(4) An allocation is to be made by delivering a declaration to the Secretary of State, and in paragraph (2) "spouse" refers to status at the time of its delivery.

(5) Further provisions as to allocations under this regulation are contained in Schedule 11.

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(25) [S.I. 1986/24](#), to which there are amendments not relevant to this regulation.

### **Duration of retirement pension**

**E12.** Subject to regulations E13 to E15 and E18, a retirement pension continues to be payable, at the rate at which it initially became payable in accordance with regulation E5, until the death of the person entitled to it.

### **Pensioner ceasing to be incapacitated**

**E13.**—(1) This regulation applies where a person who became entitled to payment of a teacher's pension by virtue of regulation E4(6) ceases to be incapacitated.

(2) On his ceasing to be incapacitated the pension ceases to be payable, but any equivalent pension benefits continue to be payable.

(3) Subject to paragraph (4) and to regulation E31(2) (application for payment), the pension becomes payable again—

- (a) from his 60th birthday, or
- (b) if earlier, from the start of any renewed incapacity.

(4) Paragraph (3) does not apply if he has been in pensionable employment at any time after he first became entitled to payment of the pension.

(5) If the pension becomes payable again under paragraph (3)(a) it is to be treated for the purposes of regulation E14 as one to the payment of which he has become entitled by virtue of regulation E4(2).

### **Abatement of retirement pension during further employment**

**E14.**—(1) This regulation applies while a person who has become entitled to payment of a teacher's pension is employed—

- (a) in pensionable employment, comparable British service, or employment which would have been pensionable employment but for his having made an election under regulation B6 or attained the age of 70, or
- (b) in part-time employment described in regulation B2(1)(a), (b), (c) or (e), except employment in a capacity described in paragraph 14 or 16 of Schedule 2.

(2) If the person is concurrently both in employment falling within paragraph (1)(a) and in employment falling within paragraph (1)(b), this regulation applies only in respect of the former.

(3) Where this regulation applies in respect of employment falling within paragraph (1)(a), the annual rate of the pension is reduced—

- (a) if  $A$  equals or exceeds  $(C+D-E)$ , to zero, and
- (b) in any other case, by the amount (if any) which is necessary to secure that  $(A+B)$  does not exceed  $(C+D-E)$ ,

where—

$A$  is the initial annual rate of the person's salary in the employment,

$B$  is the reduced annual rate of the pension as increased under the Pensions (Increase) Act 1971(26),

$C$  is, or where his previous pensionable employment was part-time is the full-time equivalent of, the highest annual rate of contributable salary that was payable to him during the 3 years ending immediately before he became entitled to payment of the pension,

D is the amount (if any) by which, immediately before the first day of the employment, C would have been increased if it had been the annual rate of an official pension, within the meaning of the Pensions (Increase) Act 1971, beginning, and first qualifying for increases under that Act, on the same date as the pension, and

E is any part of the pension allocated under regulation E11.

(4) For any pension quarter in which this regulation applies in respect of an employment falling within paragraph (1)(b), the pension is reduced—

(a) If

$$\frac{F}{4}$$

equals or exceeds

$$\frac{(C + D - E)}{4}$$

, to zero, and

(b) in any other case, by the amount (if any) which is necessary to secure that

$$\frac{(B - F)}{4}$$

does not exceed

$$\frac{(C + D - E)}{4}.$$

where B, C, D and E are the same as in paragraph (3), and F is the annual rate of the person's remuneration in the employment on the first day of the pension quarter.

(5) The pension quarters are—

- (a) where the pension is paid on the last day of a month but not because the anniversary of the person's birth falls on the first day of a month, the periods of 3 months beginning on 1st January, 1st April, 1st July and 1st October, and
- (b) in any other case, the periods of 3 months beginning on that anniversary and 3, 6 and 9 months after it.

### **Retirement benefits on cessation of further employment**

**E15.**—(1) This regulation applies to a person who—

- (a) became entitled to payment of a teacher's pension ("the first pension"),
- (b) was subsequently in pensionable employment ("the further employment"), and
- (c) has ceased to be in the further employment.

(2) Subject to paragraph (3), if the first pension was not enhanced under regulation E8 (incapacity) the person—

- (a) ceases to be entitled to payment of the first pension, and
- (b) becomes entitled to payment of retirement benefits ("combined benefits") calculated, subject to paragraph (8), by reference to the total of his reckonable service in the further employment and the reckonable service taken into account in calculating the first pension.

(3) If the average salary by reference to which combined benefits would fall to be calculated is less than that by reference to which the first pension was calculated, he—

- (a) remains entitled to the first pension, and
  - (b) subject to paragraph (7), becomes entitled to payment of retirement benefits calculated by reference to his reckonable service in the further employment.
- (4) Subject to paragraph (7), if the first pension was enhanced under regulation E8 he becomes entitled to payment of the first pension and of additional retirement benefits in respect of the further employment.
- (5) The additional retirement benefits are to be calculated—
- (a) in respect of pensionable employment before attaining the age of 60, as if regulation E8 had applied and the further employment had begun when he became entitled to payment of the first pension, and
  - (b) in respect of other pensionable employment, in accordance with regulations E5 and E6, but the additional retirement lump sum is subject to reduction under paragraph (8).
- (6) If in the application of regulation E8 to the calculation of the first pension the appropriate period was Period B, paragraph (5)(a) applies with the substitution for “60” of “65”.
- (7) If he ceased to be in the further employment before attaining the age of 60 and neither regulation E4(6) (incapacity) nor regulation E4(7) (redundancy, etc.) applied, he does not become entitled to payment of retirement benefits under paragraph (3)(b) or (4) until he attains that age.
- (8) A retirement lump sum payable under paragraph (2)(b), and an additional retirement lump sum payable under paragraph (4), is reduced by the amount of the retirement lump sum to which the person became entitled when he became entitled to payment of the first pension, of any lump sum to which he had previously become entitled under this regulation, and of any short service incapacity grant paid to him under regulation E17.

### **Short service annuity**

**E16.**—(1) A person who—

- (a) has not been in pensionable employment at any time after 5th April 1980, and
- (b) is not qualified for retirement benefits, and
- (c) would but for regulation 46(2) of the 1976 Regulations (salary exceeding £5,000) have been entitled to be repaid the balance of his contributions,

is entitled to be paid, from his 60th birthday, an annuity for life.

(2) The rate of the annuity is the actuarial equivalent of the balance of his contributions calculated in accordance with regulation C11 as at his 60th birthday.

### **Short service incapacity grant**

**E17.**—(1) A person who—

- (a) has been in pensionable employment for at least one year, and
- (b) has become incapacitated, and
- (c) had not attained the age of 70 when he became incapacitated, and
- (d) is not entitled to payment of retirement benefits the aggregate value of which exceeds the relevant amount,

is entitled, if he applies for payment within 6 months after the end of his pensionable employment, to an incapacity grant.

(2) The aggregate value of retirement benefits is the total of the retirement lump sum and the actuarial equivalent of the retirement pension.

(3) The relevant amount is

$$\frac{A \times B}{12}$$

where—

A is his average salary, and

B is the length of his reckonable service.

(4) The amount of the incapacity grant is the difference between the relevant amount and the aggregate value of any retirement benefits to which he is entitled.

(5) The incapacity grant is not to be paid before the end of his pensionable employment.

### **Deferment, etc., of benefits**

**E18.**—(1) This regulation applies where a person is convicted of—

- (a) an offence of treason, or
- (b) one or more offences under the Official Secrets Acts 1911 to 1939<sup>(27)</sup> for which he has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years, or
- (c) an offence in connection with pensionable employment which is certified by the Secretary of State either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service,

and any benefit under regulations E1 to E17 becomes payable to him after the offence was committed.

(2) Subject to paragraph (3), the Secretary of State may—

- (a) defer or as the case may be suspend payment of the benefit for so long, or
- (b) reduce its amount or rate by so much,

as he may determine.

(3) If—

- (a) the person has a guaranteed minimum in relation to benefits under these Regulations, and
- (b) the case does not fall within paragraph (1)(a) or (b),

a determination under paragraph (2) may not deprive him of his guaranteed minimum pension after he attains state pensionable age.

### **Death grants**

**E19.**—(1) Subject to paragraph (6), if at the time of his death a person—

- (a) was in pensionable employment, or
- (b) was paying additional contributions under regulation C8, or
- (c) had, not more than 12 months earlier, ceased to be in pensionable employment while incapacitated,

a death grant may be paid.

(2) The amount of a grant under paragraph (1) is the greater of—

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(27) 1911 c. 28; 1920 c. 75; 1939 c. 121.



- (a) the amount which, if on the date of the person's death he had ceased to be employed on becoming incapacitated, would have become payable by way of retirement lump sum or short service incapacity grant, or both, and

- (b) his average salary,

less, in either case, the amount of any retirement lump sum or short service incapacity grant previously paid to him.

(3) Subject to paragraph (6), if a person who has ceased after 31st March 1972 to be in pensionable employment dies without having become entitled to payment of retirement benefits and—

- (a) the qualifying condition is satisfied, and

- (b) no death grant could be paid under paragraph (1),

a death grant may be paid under this paragraph.

- (4) The qualifying condition—

- (a) if he ceased to be in pensionable employment before 1st November 1988, is that he was entitled to count at least 2 years' reckonable service, and

- (b) in any other case, is that he was so entitled and was qualified for retirement benefits,

but where sub-paragraph (a) applies it is to be assumed for the purpose of calculating the death grant that he was qualified for retirement benefits.

(5) The amount of a grant under paragraph (3) is the amount that would have become payable by way of retirement lump sum if he had become entitled under regulation E4(2) to payment of retirement benefits, less the amount of any retirement lump sum or short service incapacity grant previously paid to him.

- (6) If a person who has at any time been in pensionable employment dies and—

- (a) no death grant could be paid under paragraph (1) or (3), or

- (b) the amount of such a death grant would be smaller and no pension becomes payable under regulation E25 to a surviving spouse or a nominated beneficiary,

a death grant equal to the balance of his contributions, calculated in accordance with regulation C11 as at the date of his death, may be paid.

(7) Any death grant under this regulation may be paid to the deceased's widow or widower or, if there is no widow or widower, to the personal representatives.

### **Supplementary death grants**

**E20.**—(1) Subject to paragraph (5), this regulation applies where a person dies who—

- (a) has become entitled to payment of retirement benefits, and

- (b) is not in pensionable employment.

- (2) If—

- (a) at least 10 years' reckonable service was taken into account in calculating his retirement benefits, and

- (b) the total of the amounts paid in respect of them is less than his average salary,

a supplementary death grant equal to that deficiency may be paid.

- (3) If—

- (a) less than 10 years' reckonable service was taken into account in calculating his retirement benefits, and

- (b) the amount paid in respect of his pension is less than 5 times the annual rate at which it was payable when he died,

a supplementary death grant equal to that deficiency may be paid.

(4) For the purposes of this regulation—

- (a) any amount by which a pension was reduced under regulation E9 (avoidance of duplicate pensions) or E14 (further employment), and any part of a pension allocated under regulation E11, is to be treated as having been paid, and
- (b) a retirement lump sum is to be treated as having been paid without any deduction under these Regulations.

(5) This regulation does not apply if—

- (a) the person's last employment was of a kind described in Part II of Schedule 9 and formed part of the qualifying period for the purposes of regulation E3, or
- (b) his average salary service for the purposes of regulation E29 included a period of a kind described in paragraphs 5 to 8 of Schedule 9.

(6) Any death grant under this regulation may be paid to the deceased's widow or widower or, if there is no widow or widower, to the personal representatives.

### **Family benefits generally**

**E21.**—(1) Pensions are payable in accordance with regulations E23 to E28 to widows, widowers, children and nominated beneficiaries of persons who die in, or after having been in, pensionable employment.

(2) References in those regulations to a surviving spouse are references to a widow or widower; but in the case of a person who has not been in pensionable employment, or paying additional contributions for a current period under regulation C8, at any time after 5th April 1978, such references, and references to a widow or to a widower, do not include references to a man or woman married by that person after his last day in pensionable employment or, as the case may be, the end of the period for which any such contributions were paid.

(3) Where those regulations provide for a pension to be payable to a widow and there are two or more widows, the widows are jointly entitled to the pension.

(4) References in those regulations to a person's child are to a person who is—

- (a) his legitimate, adopted or illegitimate child, or
- (b) accepted by him as a member of the family and wholly or mainly dependent on him,

and who is a child within the meaning given in paragraphs (5) to (7).

(5) Subject to paragraphs (6) and (7), for the purposes of regulations E22 to E28 a person is a child while he is unmarried and—

- (a) he has not attained the age of 17, or
- (b) having attained that age, he is receiving full-time education or attending a course of not less than 2 years' full-time training for a trade, profession or calling, or
- (c) having ceased while incapacitated to fall within sub-paragraph (a) or (b), he continues to be incapacitated.

(6) For the purposes of paragraph (5)(b)—

- (a) a person is to be treated as receiving full-time education up to (but not including) the first Monday in January or the first Monday after Easter Monday or the first Monday in September next following the end of the last term in which he received it, and
- (b) a person is to be treated as not attending a course of training while he is receiving disqualifying remuneration.

(7) Disqualifying remuneration is remuneration at a rate not less than the annual rate at which an official pension, within the meaning of the Pensions (Increase) Act 1971(28), would for the time being be payable if it had begun, and first qualified for increases under that Act, on 1st April 1972 and had then been payable at an annual rate of £250.

(8) References in regulations E23 to E28 to a nominated beneficiary are to a person nominated under regulation E22.

### **Nomination of beneficiaries**

**E22.**—(1) Subject to paragraph (2), an unmarried person (“the appointor”) may at any time while in pensionable employment, by giving written notice to the Secretary of State, nominate an eligible person who is wholly or mainly financially dependent on the appointor and who is not a child to receive a pension under regulations E23 to E28.

(2) No person may be nominated while a previous nomination under this regulation has effect.

(3) The eligible persons are—

- (a) a parent of the appointor,
- (b) a brother or sister of the appointor, and
- (c) a widowed step-parent of the appointor.

(4) A nomination under this regulation may be revoked by giving written notice to the Secretary of State, and if not previously revoked ceases to have effect—

- (a) on the death or marriage (or as the case may be remarriage) of the person nominated, and
- (b) on the marriage of the appointor.

### **Entitlement to short-term family benefits**

**E23.**—(1) Subject to paragraph (3), a short-term pension is payable, from the day after that of his death, if a person dies—

- (a) while in pensionable employment, or
- (b) during a period for which he is paying additional contributions under regulation C8, or
- (c) within 12 months after ceasing to be in pensionable employment, or to pay such contributions, as a result of ill-health, but before becoming entitled to payment of retirement benefits, or
- (d) after becoming entitled to payment of retirement benefits.

(2) The short-term pension is payable—

- (a) subject to paragraph (3)(a), to any surviving spouse, or
- (b) if a nomination under regulation E22 had effect at the time of his death, to the nominated beneficiary, or
- (c) if there is no surviving spouse or nominated beneficiary and the deceased is survived by a child or children of his, to or for the benefit of the child or, as the case may be, the children jointly.

(3) No short-term pension is payable—

- (a) to a widower if one is payable to another person as a nominated beneficiary, or
- (b) if there is no surviving spouse, nominated beneficiary or surviving child, or

- (c) where paragraph (1)(d) applies, to a person who is not entitled under regulation E25 to a long-term pension.

#### **Amount and duration of short-term family benefits**

**E24.**—(1) Subject to paragraph (2), the annual rate of a short-term pension under regulation E23—

- (a) if regulation E23(1)(a) or (c) applies, is the annual rate of the deceased's contributable salary on his last day in pensionable employment, disregarding any reduction by reason of sick leave or maternity leave,
- (b) if regulation E23(1)(b) applies, is the annual rate, at the time of his death, of the notional salary described in regulation C8(7),
- (c) if regulation E23(1)(d) applies, is the annual rate, at the time of his death, of his retirement pension, and
- (d) if regulation E23(1)(a) and (d) both apply, is the total of the rates specified in subparagraphs (a) and (c) above.

(2) If—

- (a) the short-term pension is payable to a surviving spouse, and
- (b) the annual rate calculated in accordance with paragraph (1) is less than that of a long-term pension to which the surviving spouse is prospectively entitled under regulation E25,

the annual rate of the short-term pension is the same as that of the long-term pension.

(3) Subject to paragraphs (4) and (5), a short-term pension is to be paid for 3 months.

(4) If—

- (a) either—
  - (i) no long-term pension is payable under regulation E25, or
  - (ii) less than 2 years' service counts in the calculation of a pension payable under that regulation, and
- (b) the deceased is survived by a child or children of his, and
- (c) the short-term pension is payable to a surviving spouse, or to a nominated beneficiary who has the care of the child or children,

the short-term pension is to be paid for 4½ months if there is one child and for 6 months if there are 2 or more children.

(5) If the short-term pension is payable to or for the benefit of one child, it is to be paid for 2 months; if it is payable to or for the benefit of 2 or more children, it is to be paid for 4 months.

#### **Entitlement to long-term family benefits**

**E25.**—(1) Long-term pensions are payable in accordance with paragraph (5) if a person dies who—

- (a) has been in pensionable employment at any time after 31st March 1972, and
- (b) has relevant service amounting to at least 2 years,

but in the case of a person who ceased to be in pensionable employment before 6th April 1988 subparagraph (b) has effect with the substitution for “2 years” of “5 years”.

(2) Relevant service does not include any contributions refund period.

(3) In the case of a man, and in the case of a woman in relation to a nominated beneficiary or a widower on whose marriage to her a nomination ceased to have effect, relevant service comprises, subject to paragraph (2)—

- (a) any period of pensionable employment after 31st March 1972,
- (b) any period beginning after that date for which additional contributions have been paid under regulation C8,
- (c) any period for which additional contributions have been paid under regulation C3 or C5(1) in accordance with an election made after 31st March 1974,
- (d) if a transfer value has been received in respect of comparable British service, the period that would, immediately before its receipt, have counted for family benefits in the relevant superannuation scheme,
- (e) any period counting as reckonable service by virtue of the receipt of any other transfer value under regulation F5 or under the Teachers' Superannuation (Added Years and Interchange) Regulations 1974<sup>(29)</sup>,
- (f) so much of any period counting as reckonable service by virtue of an election under regulation 4 of the Teachers' Superannuation (Policy Schemes) Regulations 1979<sup>(30)</sup> as is attributable to service after 31st March 1972,
- (g) any period counting as reckonable service by virtue of regulation 34 of the 1976 Regulations (special provision relating to period from December 1973 to March 1974),
- (h) any period in respect of which family benefit contributions have, or are to be treated as having, been paid under Part I of Schedule 6, and
- (i) in the case of a member, so much of his credited service as does not exceed the total of his normal service and any additional period, and in addition any period that fell to be calculated in accordance with paragraph 7(3) of Schedule 6.

(4) In relation to a widower who is not a nominated beneficiary and is not a person on whose marriage to the deceased a nomination ceased to have effect, the deceased's relevant service comprises, subject to paragraph (2)—

- (a) so much of the periods described in paragraph (3)(a), (b) and (d) as consists of, or is attributable to, service after 5th April 1988, and
- (b) any period for which additional contributions have been paid under regulation C3 in accordance with an election made after 31st May 1988, and
- (c) any period in respect of which family benefit contributions have, or are to be treated as having, been paid under Part II of Schedule 6, and
- (d) if the deceased entered pensionable employment after 5th April 1988, any period falling within paragraph (3)(e).

(5) If paragraph (1) applies—

- (a) subject to paragraph (6) a long-term pension is payable to any surviving spouse,
- (b) if a nomination under regulation E22 had effect at the time of the death, a long-term pension is payable to the nominated beneficiary, and
- (c) if a pension is payable under sub-paragraph (a) or (b) and the deceased is survived by a child or children of his, a long-term pension is payable to or for the benefit of the child or, as the case may be, the children jointly.

(6) Subject to paragraph (8), no long-term pension is payable to a widower if one is payable to another person as a nominated beneficiary.

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<sup>(29)</sup> S.I. 1974/260, revoked by S.I. 1976/1987.

<sup>(30)</sup> S.I. 1979/47.

(7) If when a person dies paragraph (5) does not apply but he—

- (a) has been in pensionable employment at any time after 31st March 1972, and
- (b) is qualified for retirement benefits, and
- (c) is survived by a child or children of his,

a long-term pension is payable to or for the benefit of the child or, as the case may be, the children jointly.

(8) Subject to paragraph (9), if neither paragraph (5) nor paragraph (7) applies but the deceased had a guaranteed minimum in relation to benefits under these Regulations and leaves a surviving spouse, a long-term pension is payable to the surviving spouse.

(9) If a contributions equivalent premium is paid by the Secretary of State, paragraph (8) is to be treated as not having applied.

(10) Notwithstanding anything in paragraphs (1) to (7), only one pension is payable to or for the benefit of a child or children at any one time; and where more than one such pension would otherwise be payable the one to be paid is the largest of them.

#### **Amounts of spouses' and nominated beneficiaries' long-term pensions**

**E26.**—(1) Subject to paragraph (2), the annual rate of a pension payable under regulation E25 to a surviving spouse or a nominated beneficiary is 1/160th of the deceased's average salary multiplied by the length of his family benefit service.

(2) If—

- (a) paragraph 16 of Schedule 6 (retrospective salary increases affecting deductions from terminal sums and amounts of lump sum payments) applies, and
- (b) a person entitled to limit the amount of the deduction or lump sum has done so,

the retrospective salary increase is not to be taken into account in calculating the deceased's average salary.

(3) Family benefit service does not include any contributions refund period.

(4) Subject to paragraphs (3) and (5) to (8), if the pension is payable to a nominated beneficiary, to a widower on whose marriage to the deceased a nomination ceased to have effect, or to a woman whom the deceased married before the end of his pensionable employment the deceased's family benefit service comprises—

- (a) any period falling within regulation E25(3)(a) to (h),
- (b) in the case of a member, his credited service and any period that fell to be calculated in accordance with paragraph 7(3) of Schedule 6, and
- (c) any period related to war service in respect of which an additional contribution has been paid under regulation C7(8) or Part IV of Schedule 6 or which is included by virtue of paragraph 21(1) of that Schedule.

(5) If the member's credited service exceeds the total of his normal service and any additional period, for the purposes of paragraph (4)(b) his credited service is reduced by #th of the excess.

(6) This paragraph applies if the deceased died—

- (a) while in pensionable employment, or
- (b) during a period for which he was paying additional contributions under regulation C8, or
- (c) within 12 months after ceasing to be in pensionable employment as a result of ill-health but before becoming entitled to payment of retirement benefits, or
- (d) after becoming entitled to payment of retirement benefits, if they fell to be enhanced under regulation E8 (incapacity).

(7) If paragraph (6) applies and the family benefit service calculated in accordance with paragraphs (3) to (5) is less than his effective reckonable service, his family benefit service is increased by—

$$\frac{A}{B} \times C$$

where—

A is the family benefit service calculated in accordance with paragraphs (3) to (5),

B is his effective reckonable service apart from C, and

C is the period which was, or would if regulation E8 had applied have been, the appropriate period within the meaning of regulation E8.

(8) If paragraph (6) applies and A is not less than B, his family benefit service is increased by C.

(9) If the deceased had been in pensionable employment after 5th April 1978 and the pension is payable to a woman whom he first married after his last day in pensionable employment, his family benefit service comprises, subject to paragraph (3)—

- (a) any period of pensionable employment after 5th April 1978,
- (b) any period for which additional contributions have been paid under regulation C3 in accordance with an election made after that date,
- (c) any period beginning after that date for which additional contributions have been paid under regulation C8,
- (d) if a transfer value has been received after that date in respect of comparable British service, any period of reckonable service attributable to comparable British service after that date,
- (e) any period counting as reckonable service by virtue of the receipt after that date of any other transfer value, and
- (f) so much of any period counting as reckonable service by virtue of an election under regulation 4 of the Teachers' Superannuation (Policy Schemes) Regulations 1979<sup>(31)</sup> as is attributable to service after that date.

(10) If the pension is payable to a widower who is not a nominated beneficiary and is not a person on whose marriage to the deceased a nomination ceased to have effect, the deceased's family benefit service comprises, subject to paragraph (3), the relevant service described in regulation E25(4).

### **Amounts of children's long-term pensions**

**E27.**—(1) Subject to paragraphs (3) to (6), if long-term pensions become payable under regulation E25—

- (a) to a surviving spouse or a nominated beneficiary (an “adult pension”), and
- (b) to or for the benefit of a child or children (a “children's pension”),

the annual rate of the children's pension is the appropriate fraction of the deceased's average salary multiplied by the length of his family benefit service.

(2) The appropriate fraction—

- (a) while a children's pension is payable to or for the benefit of 2 or more children, is 1/160th, and
- (b) while a children's pension is payable to or for the benefit of one child, is 1/320th.

(3) Subject to paragraphs (4) to (6), if—

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(31) [S.I. 1979/47](#).

- (a) an adult pension becomes payable to a woman whom the deceased married after his last day in pensionable employment,
- (b) before that day he had married another woman, and
- (c) the persons to or for whose benefit a children's pension is payable include a child who was, or children who were, a child or children of the deceased's at any time during the earlier marriage,

the annual rate of the children's pension is the appropriate fraction of his average salary multiplied by the length of what would have been his family benefit service if regulation E26(4) had applied ("the notional family benefit service").

(4) If the children's pension is payable to, or for the benefit of—

- (a) one child who was a child of the deceased's during the earlier marriage, and
- (b) one or more children who were not children of his during that marriage,

the annual rate of the children's pension is A+B, where—

A is 1/320th of his average salary multiplied by the length of the notional family benefit service, and

B is 1/320th of his average salary multiplied by the actual length of his family benefit service.

(5) If—

- (a) no adult pension becomes payable, or
- (b) an adult pension ceases to be payable,

the annual rate of a children's pension is the applicable fraction of the deceased's average salary multiplied by the greater of C and D, or where regulation E26(6) applies the greater of C and (D +E), where—

C is the notional family benefit service,

D is the deceased's effective reckonable service apart from E, and

E is the period which was, or would if regulation E8 had applied have been, the appropriate period within the meaning of regulation E8.

(6) The applicable fraction—

- (a) while a children's pension is payable to or for the benefit of 2 or more children, is 1/120th, and
- (b) while a children's pension is payable to or for the benefit of one child, is 1/240th.

### **Commencement and duration of long-term family pensions**

**E28.—**(1) A pension under regulation E25 payable to a surviving spouse or a nominated beneficiary ("an adult pension") is to be paid—

- (a) from the day on which any short-term pension that became so payable under regulation E23 ceases to be payable, or
- (b) if no short term pension became payable, from the day after that of the death.

(2) Subject to paragraph (3), an adult pension is payable for life.

(3) Unless the Secretary of State determines otherwise in the particular case, and subject always to regulation E1(3)(c) and (d) (guaranteed minimum pension for surviving spouse), an adult pension is not payable during or after any marriage or period of cohabitation outside marriage.

(4) A pension under regulation E25 payable to or for the benefit of a child or children ("a children's pension") is to be paid—



- (a) from the day on which any short-term pension that became so payable, or payable to a surviving spouse or a nominated beneficiary, under regulation E23 ceases to be payable, or
  - (b) if no short-term pension became payable, from the day after that of the death.
- (5) A children's pension ceases to be payable to a person or for his benefit when he ceases to be a child.

### **Average salary**

**E29.**—(1) Subject to paragraph (9), a person's average salary—

- (a) where the material part of his average salary service is one year or more, is his full salary for the best consecutive 365 days of that part, and
- (b) in any other case, is the average annual rate of his full salary for that part.

(2) Average salary service comprises—

- (a) any period counting as reckonable service by virtue of regulation D1(1)(a) (pensionable employment), and
- (b) any period counting as reckonable service by virtue of regulations D1(1)(b) and D4 (current period purchased by additional contributions), and
- (c) subject to paragraph (3), any period of a kind described in paragraphs 5 to 8 of Schedule 9 (certain periods of employment counting towards qualification for benefits), and
- (d) any period of comparable British service which began before 1st April 1974 and has not been followed by a period of pensionable employment and for which a transfer value has been received.

(3) A person who is in an employment falling within paragraphs 5 to 8 of Schedule 9 may, by giving written notice to the Secretary of State, elect that from the date from which the election takes effect the employment is not to constitute average salary service.

(4) An election under paragraph (3)—

- (a) if the notice is received before the person attains the age of 60, takes effect from his 60th birthday, and
- (b) in any other case, takes effect from the first day of the month following that in which the notice was received.

(5) The material part of a person's average salary service is—

- (a) where he has less than 3 years of such service, the whole of it, or
- (b) in any other case, the last 3 years of it.

(6) Subject to paragraphs (7) and (8), a person's full salary—

- (a) for a period falling within paragraph (2)(a), is his contributable salary for the period of pensionable employment, disregarding any reduction during sick leave or maternity leave,
- (b) for a period falling within paragraph (2)(b), is the notional salary by reference to which the additional contributions paid under regulation C8 were calculated, and
- (c) for a period falling within paragraph (2)(c) or (d), is what would have been his salary for the purpose of calculating benefits under the superannuation scheme to which he was subject in the relevant employment.

(7) For—

- (a) a period of pensionable employment, or
- (b) a period counting as reckonable service by virtue of regulations D1(1)(b) and D4,

beginning after 31st July 1975 and ending before 1st August 1978, a person's full salary includes any sums that would have been payable to him if payment of them had not been withheld, whether by virtue of an enactment or otherwise, in order to comply with limits referred to in section 1 of the Remuneration, Charges and Grants Act 1975(32).

(8) For—

(a) a period of pensionable employment, or

(b) a period counting as reckonable service by virtue of regulations D1(1)(b) and D4,

beginning after 31st March 1979 and ending before 1st September 1980, a person's full salary is the notional salary resulting from the application to him of the Teachers' Superannuation (Notional Salaries) Regulations 1981(33).

(9) In the case of a person to whom the Teachers' Pay and Conditions Act 1987(34) ("the 1987 Act") does not apply, an increase of salary the main object, or one of the main objects, of which was to increase his average salary (and accordingly his retirement benefits) is to be treated as having increased his average salary by no more than the amount by which it would have been increased if the increase of salary had been a standard one.

(10) A standard increase of salary is one which would, in the circumstances, have occurred if the 1987 Act had applied to the person.

### Effective reckonable service

**E30.**—(1) A person's effective reckonable service is so much of his reckonable service as counts for the purpose of calculating a benefit under this Part, except a pension under regulation E25.

(2) Subject to paragraph (3), effective reckonable service does not include—

(a) any reckonable service in excess of 45 years, or

(b) any reckonable service in excess of 40 years before attaining the age of 60.

(3) In relation to a retirement lump sum, if the person's reckonable service includes service before 1st October 1956—

(a) any reckonable service excluded by paragraph (2)(a) is to be taken from the beginning of his reckonable service, and

(b) paragraph (2)(b) does not apply.

(4) In relation to a retirement lump sum, if the person's relevant service, that is to say the total of—

(a) the time he has spent in pensionable employment,

(b) any comparable British service counting as reckonable service by virtue of the receipt of a transfer value, and

(c) any period counting as reckonable service by virtue of an election under regulation 4 of the Teachers' Superannuation (Policy Schemes) Regulations 1979(35),

is less than 20 years, his effective reckonable service does not include so much of any period counting as reckonable service by virtue of regulation D3 (past period purchased by additional contributions) as exceeds the maximum ascertained from the Table below.

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(32) 1975 c. 57; section 1 was amended, and the period for which it had effect extended to end with 31st July 1978, by the Price Commission Act 1977 (c. 33), section 17; references to limits set out in documents laid before Parliament in 1976 and 1977 were added by S.I. 1976/1097, 1977/1294.

(33) S.I. 1981/934.

(34) 1987 c. 1.

(35) S.I. 1979/47.

**TABLE**

| Relevant service in years | Maximum  |
|---------------------------|--|
| 19                        | 17 years   |
| 18                        | 15 years   |
| 17                        | 13 years   |
| 16                        | 11 years   |
| 15                        | 9 years  |
| 14                        | 7 years  |
| Fewer than 14             | 8 years less than the length in years and days of the relevant service |

(5) For the purposes of paragraph (4) a person who becomes entitled to payment of retirement benefits by virtue of regulation E4(6) or (7) (incapacity or redundancy before attaining the age of 60) is to be treated as having continued in pensionable employment up to that age.

(6) Effective reckonable service does not include—

- (a) any period in respect of which a short service annuity is payable under regulation E16, or
- (b) any period which, having been reckoned under section 17 of the Local Government Superannuation Act 1937<sup>(36)</sup> or a corresponding provision contained in a local Act scheme within the meaning of that Act, has become reckonable as service under regulations under section 10 of the Superannuation Act 1972 (persons engaged in health services, etc.).

### **Payment of benefits**

**E31.**—(1) Benefits under this Part are payable by the Secretary of State.

(2) No benefit is to be paid unless a written application for payment has been made and paragraph (3), if applicable, has been complied with.

(3) If the Secretary of State notifies him in writing that he so requires, the applicant is to provide any relevant information specified by the Secretary of State that is in his possession or that he can reasonably be expected to obtain.

(4) Subject to paragraphs (6) to (9), a benefit that does not consist of a single payment is to be paid monthly—

- (a) in the case of a family benefit, on the 28th of the month, and
- (b) in any other case, on the birth date of the person entitled to payment.

(5) If a person was born on the 1st of a month, his birth date in any month is the 1st, and so on; in any month in which the date arrived at in that way does not occur, his birth date is the last day of the month.

(6) If—

- (a) the person's entitlement to payment of the benefit took effect, or
- (b) the benefit ceases to be payable,

on a day other than the date specified in paragraph (4) (the “due date”), a proportionate payment is to be made for the relevant period as soon as practicable after the material date.

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<sup>(36)</sup> 1937 c. 68; section 17 was repealed, with savings, by the Superannuation Act 1972 (c. 11), section 29 and Schedule 8.

- (7) The relevant period is—
- (a) where paragraph (6)(a) applies, the period beginning on the day on which the entitlement took effect and ending with the material date, and
  - (b) where paragraph (6)(b) applies, the period beginning on the last due date before the benefit ceased to be payable and ending with the material date.
- (8) The material date is—
- (a) where paragraph (6)(a) applies, the day before the next due date, and
  - (b) where paragraph (6)(b) applies, the day before the benefit ceased to be payable.
- (9) A proportionate payment is a payment of
- $$\frac{A}{12} \times \frac{B}{C},$$

where—

- A is the annual rate of the benefit,
- B is the number of days in the relevant period, and
- C is the number of days in the month ending with the material date.

(10) The Apportionment Act 1870<sup>(37)</sup> (being inconsistent with paragraphs (4) to (9)) is to be taken not to have effect in relation to benefits under this Part.

(11) If the person entitled to payment of a benefit has not attained the age of 18, or is incapable by reason of infirmity of mind or body of managing his affairs, the Secretary of State may—

- (a) pay it to any person having the care of the person entitled, or
- (b) apply it as he thinks fit for the benefit of the person entitled or his dependants.

### **Benefits not assignable**

**E32.**—(1) Any assignment of or charge on or agreement to assign or charge any benefit under this Part is void.

(2) An allocation under regulation E11 is not an assignment, and an arrangement for the recovery by the Secretary of State of an overpayment does not constitute an assignment or an agreement to assign.

(3) On the bankruptcy of a person entitled to a benefit under this Part no part of the benefit passes to any trustee or other person acting on behalf of the creditors, except in accordance with an income payments order made by a court under section 156 of the Insolvency Act 1985<sup>(38)</sup>.

## **PART F**

### **TRANSFER VALUES**

#### **Payment of transfer values**

**F1.**—(1) Subject to paragraphs (2) to (7), a transfer value is to be paid in respect of a person who has ceased to be in pensionable employment and has become subject to an approved superannuation scheme or, if he ceased to be in pensionable employment after 31st December 1985, a personal pension scheme (“the receiving scheme”).

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<sup>(37)</sup> 1870 c. 35.

<sup>(38)</sup> 1985 c. 65.

(2) The person must have made a written application to the Secretary of State, within 12 months after the day on which he became subject to the receiving scheme, for the transfer value to be paid.

(3) A transfer value is not to be paid if one was paid before 1st November 1988 in relation to the same transfer.

(4) A transfer value is not to be paid in respect of a person who, when the application was received, had become entitled under regulation E4 to payment of retirement benefits or under regulation E16 or E17 to a short service annuity or incapacity grant, unless the employment in which he has become subject to the receiving scheme is comparable British service and he entered it—

- (a) immediately after ceasing to be in pensionable employment, or
- (b) on or before his 60th birthday,

and has not applied for payment of any benefit.

(5) A transfer value is not to be paid if the receiving scheme is an approved superannuation scheme which is administered wholly or primarily in the United Kingdom and is not a contracted-out scheme, unless the person—

- (a) has been in pensionable employment for less than 2 years or is not qualified for retirement benefits, or
- (b) ceased to be in pensionable employment before 6th April 1978, or
- (c) is a married woman or widow who, by virtue of an election made or treated as made under regulations under section 3 of the Pensions Act, either is liable to pay primary Class 1 contributions or Class 2 contributions at a reduced rate or is under no liability to pay Class 2 contributions.

(6) A transfer value is not to be paid if the person has acquired a right to a cash equivalent, unless—

- (a) the service to which the cash equivalent relates includes service before 1st September 1988, and
- (b) the right has been exercised by requiring the whole of the cash equivalent to be paid to the scheme managers of an approved superannuation scheme which is not a club scheme.

(7) A transfer value is not to be paid if the person—

- (a) has acquired a right to a part cash equivalent, and
- (b) would on taking that right remain qualified for retirement benefits.

### **Payment of additional transfer values in respect of war service**

**F2.**—(1) Subject to paragraph (2), this regulation applies to a person—

- (a) to whom regulation 7 (war service) of the 1976 Regulations applied,
- (b) who was alive on 1st September 1974,
- (c) who last ceased to be in pensionable employment before that date,
- (d) in respect of whom a transfer value became payable, by reason of that cessation, to the scheme managers of a qualifying public service scheme (“the new scheme”), and
- (e) who by virtue of that transfer value was on 1st April 1978 entitled to reckon service for the purposes of the new scheme.

(2) This regulation does not apply if, after the end of his war service and before entering pensionable employment, the person was in service or employment in which he was subject to a superannuation scheme and in consequence of which he is, or is likely to become, entitled to reckon service for superannuation purposes by reason of war service.

(3) Subject to paragraph (4), if this regulation applies to a person an additional transfer value is to be paid in respect of him to the scheme managers of the new scheme.

(4) The scheme managers must have applied to the Secretary of State for the additional transfer value to be paid, and have certified to him—

- (a) that the person was alive on 1st September 1974,
- (b) that on payment of the additional transfer value he will be entitled to reckon service for the purposes of the new scheme by virtue of the war service by virtue of which regulation 7 of the 1976 Regulations applied to him, and
- (c) the amount of his pensionable emoluments for the purpose of calculating the additional transfer value.

### **Amounts of transfer values and additional transfer values**

**F3.**—(1) Part I of Schedule 12 has effect, subject to paragraphs (2) and (3), for determining the amounts of transfer values payable under regulation F1.

(2) Unless the receiving scheme is a club scheme, where—

- (a) the person in respect of whom a transfer value is payable had become entitled to count reckonable service under regulation F5(7) (receipt of transfer value), and
- (b) the amount determined in accordance with Part I of Schedule 12, together with that of any cash equivalent paid on the transfer, is less than the appropriate amount,

a transfer value of the appropriate amount is to be paid.

(3) The appropriate amount is  $A+B-C$ , where—

A is the transfer value received under regulation F5,

B is the total of the contributions paid by the person under Part C, except any that fell to be treated for the purposes of regulation G2 as employer's contributions, and

C is any cash equivalent paid on the transfer.

(4) The amount of an additional transfer value payable under regulation F2 is to be calculated in accordance with Part II of Schedule 12.

### **Termination of right to count reckonable service**

**F4.** A person—

- (a) in respect of whom a transfer value has been paid under regulation F1, or
- (b) who has acquired a right to a cash equivalent and exercised the option to take that right,

ceases to be entitled to count as reckonable service, or as part of a qualifying period within the meaning of regulation E3, any period to which the transfer value or cash equivalent related.

### **Receipt of transfer values**

**F5.**—(1) Subject to paragraphs (2) to (6), a transfer value offered to the Secretary of State by the scheme managers of an approved superannuation scheme or personal pension scheme ("the previous scheme") in respect of a person who has entered pensionable employment may be accepted.

(2) The person must have made a written request to the Secretary of State for the transfer value to be accepted.

(3) Unless the employment in which the person was subject to the previous scheme was comparable British service, the request must have been made within 12 months after the day on which he entered pensionable employment.

(4) A transfer value is not to be accepted if one was accepted before 1st November 1988 in relation to the same transfer.

(5) Subject to paragraph (6), a transfer value is not to be accepted if—

- (a) before the end of the employment in which he was subject to the previous scheme the person became entitled under regulation E4 to payment of retirement benefits, or
- (b) he has become entitled to payment of benefits under a provision of a statutory scheme corresponding to regulation E4.

(6) Paragraph (5) does not apply if the employment in which he was subject to the previous scheme was comparable British service and he entered pensionable employment—

- (a) immediately after the end of the employment, or
- (b) on or before his 60th birthday.

(7) A person in respect of whom a transfer value has been accepted is entitled to count reckonable service in accordance with Part III of Schedule 12.

## PART G

### FINANCE

#### Teachers' superannuation account

**G1.** Subject to the transitional provisions in Part I of Schedule 13, an account substantially in the form set out in Part II of Schedule 13 is to be prepared by the Secretary of State for every financial year.

#### Receipts, etc., to be credited

**G2.**—(1) Employees' and employers' contributions received during the financial year are to be credited to the account.

(2) Employees' contributions comprise—

- (a) all contributions payable under regulations C2(1), C3, C4, C5, C7 and C9,
- (b) so much of the contributions payable by services education officers under regulation C2(2) as falls within regulation C2(2)(a),
- (c) so much of any additional contributions payable under regulation C8 as would have been payable under regulation C2(1) if pensionable employments had continued, and
- (d) all amounts payable under regulations C14 and C15 (return of repaid contributions).

(3) Employers' contributions comprise—

- (a) the contributions payable under regulation G5,
- (b) so much of the contributions payable by services education officers under regulation C2(2) as falls within regulation C2(2)(b), and
- (c) so much of any additional contributions payable under regulation C8 as would have been payable under regulation G5 if pensionable employments had continued.

(4) There are also to be credited to the account—

- (a) the closing balance in the account for the preceding financial year,
- (b) all transfer values under regulation F5 and additional transfer values under regulation D6 (war service) received during the financial year,

- (c) all contributions equivalent premiums refunded, or recovered under section 47 of the Pensions Act(39), during the financial year,
- (d) any interest and other payments under these Regulations received during the financial year, and
- (e) the notional interest for the financial year described in Part III of Schedule 13.

### **Payments to be debited**

**G3.** There are to be debited to the account all sums paid during the financial year by way of—

- (a) benefits under Part E, so far as not attributable to service before 1st June 1922,
- (b) payments under paragraph 12 of Schedule 10 (equivalent pension benefits),
- (c) repayment of contributions (including interest) under regulations C10 and C12,
- (d) transfer values under regulation F1 and additional transfer values under regulation F2 (war service), and
- (e) contributions equivalent premiums.

### **Actuarial inquiries**

**G4.**—(1) The Government Actuary is to make an actuarial inquiry at the end of the financial year ending with 31st March 1991 and at the end of every fifth subsequent financial year.

(2) A report on the inquiry is to be made to the Secretary of State and is to be laid by him before each House of Parliament.

(3) The report is to specify the percentage of the contributable salaries of persons entering pensionable employment on the first day of the next financial year at which contributions should be paid, during the period beginning on 1st April next following the date of the report and ending with 31st March next following the date of the next report (“the relevant period”), so as to defray the cost of the payments of the kinds described in regulation G3(a) to (e) that are likely to be made in respect of them.

(4) The report is to state the amount by which, at the end of the financial year, the amount of the scheme assets exceeded or fell short of that of the scheme liabilities.

(5) The scheme assets are—

- (a) the employees' contributions receivable after the end of the financial year in respect of persons who at the end of that year were or had been in pensionable employment,
- (b) the employers' contributions in respect of such persons receivable after the end of the financial year, except any such supplementary contributions as are mentioned in paragraph (7),
- (c) payments that would fall to be credited under regulation G2(4)(d) and (e) to the accounts for subsequent financial years, and
- (d) the actuarial value at the end of the financial year of the notional and assumed investments described in paragraph 5 of Schedule 13.

(6) The scheme liabilities are the payments to be made under these Regulations after the end of the financial year in respect of persons who at the end of that year were or had been in pensionable employment, except payments attributable to service before 1st June 1922.

(7) If the report states that the amount of the scheme liabilities exceeded that of the scheme assets, it is to specify a rate at which, during the relevant period, supplementary contributions should be

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(39) 1975 c. 60; section 47 was amended by the Social Security Act 1985 (c. 53), Schedule 5, paragraphs 29 and 30.



paid by employers of persons in pensionable employment so as to remove the deficiency within the period of 40 years beginning at the same time as the relevant period.

(8) The rate is to be expressed as a percentage of the contributable salaries from time to time of persons in pensionable employment; the percentage must either be or be a multiple of 0.25.

(9) In this regulation “employees' contributions” and “employers' contributions” are to be construed in accordance with regulation G2(2) and (3).

### **Employers' contributions**

**G5.**—(1) Subject to paragraph (3), the employer of a person in pensionable employment, other than a services education officer, is during every relevant period to pay contributions of the required percentage of his contributable salary for the time being.

(2) The required percentage is  $(A-6)+B$ , where—

A is the percentage specified for the relevant period under regulation G4(3), and

B is any percentage specified for the relevant period under regulation G4(7) and (8).

(3) No contributions are to be paid in respect of anyone to whom regulation E30(2)(a) (restriction of reckonable service to 45 years) has become applicable.

(4) For the purposes of this regulation—

(a) a local education authority is deemed to be the employer of every person employed in or in connection with a school maintained by it, and

(b) “relevant period” is to be construed in accordance with regulation G4(3).

### **Payment by employers to Secretary of State**

**G6.**—(1) The employer of a person in pensionable employment is to pay to the Secretary of State, within 14 days after the end of each month—

(a) all amounts due from the person that are deductible from his salary under regulation C16(1), and

(b) the contributions payable under regulation G5,

in respect of his contributable salary for that month.

(2) For the purposes of paragraph (1)—

(a) all salaries are to be treated as being payable monthly in arrear, and

(b) any arrears payable by reason of a retrospective increase in contributable salary are to be treated as having become payable in the month in which they were paid.

(3) If the full amount of any payment required by paragraph (1) is not received by the Secretary of State within 14 days after the end of the month interest is payable by the employer on the amount outstanding at 12 per cent per annum, compounded with monthly rests, from the 15th day to the date of payment; but the Secretary of State may in any particular case waive the payment of interest.

## **PART H**

### **MISCELLANEOUS AND SUPPLEMENTAL**

#### **Modified application in case of employment at reduced salary**

**H1.**—(1) If—

(a) a person who has been in pensionable employment either—

- (i) continues to be employed, or
- (ii) ceases to be employed and is re-employed within 6 months, by the same employer at a reduced rate of contributable salary, and
- (b) he does not elect under regulation C1(6) that his contributable salary is to be treated as having continued at the previous rate, and
- (c) his employer notifies the Secretary of State in writing, within 13 weeks after the first day of his employment at the reduced rate, that his employment at that rate is in the interests of the efficient discharge of the employer's functions, and
- (d) the application to him of this paragraph would, taking into account prospective increases under the Pensions (Increase) Act 1971<sup>(40)</sup> of benefits under Part E, be beneficial,

these Regulations have effect in relation to him with the modifications set out in Part II of Schedule 10.

(2) For the purposes of paragraph (1)—

- (a) the contributable salary of a person in part-time employment is to be taken to be what it would have been if the employment had been full-time, and
- (b) a local education authority and the governors of the schools maintained by it are to be taken to be the same employer,

but where the employers at the previous rate and at the reduced rate were in fact different, the former is the employer for the purposes of notification under paragraph (1)(c).

(3) A second or subsequent application of paragraph (1) does not affect its previous operation.

### Modified application in certain other cases

**H2.**—(1) In relation to a person who made an election under regulation 4 of the Teachers' Superannuation (Policy Schemes) Regulations 1979<sup>(41)</sup> these Regulations have effect with the modifications set out in Part III of Schedule 10.

(2) In relation to a person with admitted service these Regulations have effect with the modifications set out in Part IV of Schedule 10.

(3) In relation to a person with specified country service these Regulations have effect with the modifications set out in Part V of Schedule 10.

(4) Part VI of Schedule 10 has effect for enabling certain persons in pensionable employment to secure that these Regulations have effect in relation to them as if a period of service before 1st April 1945 had been a period of pensionable employment.

### Records and information

**H3.**—(1) The employer of a person in pensionable employment is to record for each financial year—

- (a) the rate of the person's salary,
- (b) the amount of his contributable salary,
- (c) any money value forming part of his contributable salary by virtue of regulation C1(1)(b) (accommodation and related services),
- (d) the contributions deducted under regulation C16(1),
- (e) the period during which he was in pensionable employment, and

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<sup>(40)</sup> 1971 c. 56.

<sup>(41)</sup> S.I. 1979/47.

- (f) the dates of any absence on sick leave or maternity leave, and the amount of salary paid during it.

(2) Employers are, within such reasonable time as he may require, to make to the Secretary of State such reports and returns, and to give him such information about persons who are or have been in pensionable employment, as he may reasonably require for the purposes of his functions under these Regulations; and such persons, and their personal representatives, are to give him such information and to produce such documents as he may reasonably require for those purposes.

### **Payments in respect of deceased persons**

**H4.**—(1) This regulation applies where a person dies and the total of—

- (a) any sums that were due to him under these Regulations, and
- (b) any sums payable under these Regulations to his personal representatives,

(“the amount due”) does not exceed the amount specified in any order for the time being in force under section 6 of the Administration of Estates (Small Payments) Act 1965<sup>(42)</sup> and applying in relation to the death.

(2) Where this regulation applies the Secretary of State may, without requiring the production of probate or other proof of title, pay the amount due—

- (a) to the personal representatives, or
- (b) to the person, or to or among any one or more of any persons, appearing to him to be beneficially entitled to the estate.

### **Revaluation of guaranteed minimum in certain cases**

**H5.**—(1) This regulation applies where a person has ceased to be in pensionable employment and has taken a right to a cash equivalent by exercising the option conferred by paragraph 13(2) of Schedule 1A to the Pensions Act<sup>(43)</sup> wholly or partly in the way specified in paragraph 13(2)(b) (purchase of annuity).

(2) Where this regulation applies, to the extent that the person’s guaranteed minimum is otherwise appropriately secured within the meaning of section 52C(4) of the Pensions Act<sup>(44)</sup>—

- (a) for the purposes of section 35(2) of that Act (amount of guaranteed minimum) the person’s earnings factors shall be determined by reference to the last order under section 21 of that Act to come into force before the end of the tax year in which his service was terminated and without reference to the last such order to come into force before the end of the final relevant year, and
- (b) the weekly equivalent mentioned in section 35(2) of that Act shall be increased in accordance with any additional requirements for the time being prescribed for the purposes of section 45(1)(b) (exclusion from liability to pay a limited revaluation premium).

(3) In this regulation “tax year” means the 12 months beginning with 6th April in any year and “final relevant year” has the meaning given in section 35(9) of the Pensions Act.

### **Extension of time**

**H6.** The Secretary of State may in any particular case extend, or treat as having been extended, the time within which anything is required or authorised to be done under these Regulations.

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<sup>(42)</sup> 1965 c. 32; the amount specified in S.I. 1984/539 is £5,000.

<sup>(43)</sup> 1975 c. 60; Schedule 1A was inserted by the Social Security Act 1985 (c. 53), Schedule 1, paragraph 3, and amended by the Social Security Act 1986 (c. 50), Schedule 10, paragraphs 29 and 30.

<sup>(44)</sup> Section 52C was inserted by the Social Security Act 1985, Schedule 1, paragraph 2, and amended by the Social Security Act 1986, Schedule 10, paragraph 26.

### **Determination of questions**

**H7.** All questions arising under these Regulations are to be determined by the Secretary of State and a determination by him is final.

### **Revocations, savings and transitional provisions**

**H8.**—(1) The Regulations specified in Part I of Schedule 14 are revoked to the extent specified.

(2) The revocations have effect subject to the savings in Part II of Schedule 14.

(3) The provisions of Part II of Schedule 14 do not affect the general operation of section 16 of the Interpretation Act 1978<sup>(45)</sup> (general savings to be implied on a revocation).

(4) Part III of Schedule 14 has effect with respect to transitional matters in connection with the coming into force of these Regulations.

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<sup>(45)</sup> 1978 c. 30.

## SCHEDULE 1

Regulation A2(1)

## GLOSSARY OF EXPRESSIONS

| Expression                                      | Meaning  |
|---|--|
| “Accepted school”                               | Construe in accordance with regulation B4.   |
| “Act”   | Any reference to an Act of a specified year is a reference to an Act relating to the superannuation of teachers enacted in that year.  |
| “Actuarial”                                     | Determined by, or in accordance with tables prepared by, the Government Actuary.   |
| “Additional contributions”, “additional period” | In relation to family benefits, the expressions are to be construed in accordance with paragraph 1(3) of Schedule 6.   |
| “Admitted service”                              | Service to which, immediately before 1st May 1975, Part VIII of the Teachers' Superannuation Regulations 1967 <sup>(46)</sup> applied.   |
| “Approved superannuation scheme”                | An occupational pension scheme which—<br>(a) is a statutory scheme, or<br>(b) is approved under Chapter I of Part XIV of the Income and Corporation Taxes Act 1988 <sup>(47)</sup> and does not fall within section 591(2)(h) of that Act, or<br>(c) immediately before 1st November 1988 was an approved superannuation scheme for the purposes of Part IV of the 1976 Regulations. |
| “Average salary”                                | Construe in accordance with regulation E29.  |
| “Cash equivalent”, “part cash equivalent”       | The first expression means a cash equivalent mentioned in paragraph 12(1) of Schedule 1A to the Social Security Pensions Act 1975 <sup>(48)</sup> ; the second expression means the cash equivalent of any part of the benefits mentioned in that sub-paragraph which is prescribed under sub-paragraph (2A) (continuation in employment after termination of pensionable service).  |
| “Child”   | Construe in accordance with regulation E21.  |
| “Club scheme”                                   | A statutory scheme or a scheme for the time being treated, with the agreement of the Treasury, as a statutory scheme.  |
| “Comparable British service”                    | Service which is pensionable under a superannuation scheme for teachers in public  |

<sup>(46)</sup> S.I. 1967/489; Part VIII was revoked by S.I. 1975/276.<sup>(47)</sup> 1988 c. 1.<sup>(48)</sup> 1975 c. 60; Schedule 1A was inserted by the Social Security Act 1985 (c. 53), Schedule 1, paragraph 3, and amended by the Social Security Act 1986 (c. 50), Schedule 10, paragraphs 29 and 30.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| Expression   | Meaning  |
|--|--|
|  | employment in any part of the British Islands outside England and Wales.   |
| “Contracted-out employment”, “contracted-out scheme” | Construe in accordance with sections 30 and 32 respectively of the Social Security Pensions Act 1975 <sup>(49)</sup> .   |
| “Contributable salary”                               | Construe in accordance with regulation C1.   |
| “Contributions equivalent premium”                   | A premium under section 42 of the Social Security Pensions Act 1975 <sup>(50)</sup> .  |
| “Contributions refund period”                        | A period in respect of which contributions have been or are to be repaid and—<br>(a) have not been, or fallen to be treated as having been, returned, or<br>(b) have been returned but have since been repaid. |
| “Credited service”                                   | The meaning given in paragraph 1(6) of Schedule 6.   |
| “Effective reckonable service”                       | Construe in accordance with regulation E30.  |
| “Employment”   | Employment under a contract of service.  |
| “Entitled”   | Any reference to a person entitled to payment of retirement benefits is to be construed as including a reference to a person who has not applied for payment of them.  |
| “Equivalent pension benefits”                        | The meaning given by section 57(1) of the National Insurance Act 1965 <sup>(51)</sup> .  |
| “Family benefits”                                    | Benefits payable under regulations E21 to E28.   |
| “Family benefit service”                             | Construe in accordance with regulation E26.  |
| “Full-time”  | Employment is “full-time” if the contract so describes it (whether expressly or otherwise) and entitles the employee to remuneration at an annual, termly or monthly rate.                                     |
| “Guaranteed minimum”                                 | A guaranteed minimum under section 35 of the Social Security Pensions Act 1975 <sup>(52)</sup> .   |
| “Guaranteed minimum pension”                         | Construe in accordance with section 26(2) of the Social Security Pensions Act 1975 <sup>(53)</sup> .   |
| “Incapacitated”                                      | A person is incapacitated—<br>(a) in the case of a teacher, an organiser or a supervisor, while he is incapable by   |

<sup>(49)</sup> Sections 30 and 32 were amended by the Social Security Act 1986, Schedule 10, paragraphs 15 and 16.

<sup>(50)</sup> Section 42 was amended by the Social Security Act 1985, Schedule 5, paragraph 25(1)(a), and by the Social Security Act 1986, Schedule 10, paragraph 21.

<sup>(51)</sup> 1965 c. 51; relevant provisions were continued in force by S.I. 1974/2057.

<sup>(52)</sup> 1975 c. 60; section 35 was amended by the Social Security Act 1986 (c. 50), section 9(1) and (2) and Schedule 8, paragraph 8(1).

<sup>(53)</sup> Section 26(2) was amended by the Social Security Act 1985 (c. 53), Schedule 6, and by the Social Security Act 1986, Schedule 10, paragraph 12(b).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| Expression                               | Meaning   |
|--|---|
|  | reason of infirmity of mind or body of serving efficiently as such, and<br>(b) in any other case, while he is incapable by reason of such infirmity of earning his livelihood and is not maintained out of money provided by Parliament or raised by a rate.  |
| “Independent school”                     | The meaning given in section 114(1) of the Education Act 1944 <sup>(54)</sup> .   |
| “Member”                                 | The meaning given in paragraph 1(1) of Schedule 6.  |
| “The Modification Regulations”           | The National Insurance (Modification of Teachers' Pensions) Regulations 1948 <sup>(55)</sup> .  |
| “The 1966 Regulations”                   | The Teachers' Superannuation (Family Benefits) Regulations 1966 <sup>(56)</sup> .   |
| “The 1967 Regulations”                   | The Teachers' Superannuation Regulations 1967 <sup>(57)</sup> .   |
| “The 1970 Regulations”                   | The Teachers' Superannuation (Family Benefits) Regulations 1970 <sup>(58)</sup> .   |
| “The 1976 Regulations”                   | The Teachers' Superannuation Regulations 1976 <sup>(59)</sup> .   |
| “Normal contributions”, “normal service” | Construe in accordance with paragraph 1(2) of Schedule 6.   |
| “Occupational pension scheme”            | Any scheme or arrangement comprised in one or more instruments or agreements and having, or being capable of having, effect in relation to one or more descriptions or categories of employments so as to provide benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of earners with qualifying service in an employment of any such description or category. |
| “Organiser”                              | A person in employment which involves the performance of duties in connection with the provision of education or services ancillary to education.   |
| “Part-time”                              | Employment is “part-time” if—<br>(a) the contract requires the employee to work for less than the whole of  |

(54) 1944 c. 31.

(55) S.I. 1948/889, revoked by S.I. 1967/489.

(56) S.I. 1966/357, revoked by S.I. 1970/862.

(57) S.I. 1967/489, revoked by S.I. 1976/1987.

(58) S.I. 1970/862, revoked by S.I. 1976/1987.

(59) S.I. 1976/1987, amended by the other instruments listed in Part I of Schedule 14 to these Regulations.

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| Expression                          | Meaning  |
|-------------------------------------|--|
|                                     | the working week and entitles him to remuneration at a rate expressed as a proportion of the annual rate for a comparable full-time employment, or<br>(b) he is employed in place of a person regularly employed and the contract is a short-term one which entitles him to remuneration expressed as a proportion of the annual rate for a comparable full-time employment. |
| “Payment in lieu of contributions”  | A payment in lieu of contributions under Part III of the National Insurance Act 1965.  |
| “Pensionable employment”            | In relation to any time before 1st November 1988, the expression means employment in reckonable service for the purposes of the 1976 Regulations or previous provisions. In relation to any time after 31st October 1988, the expression is to be construed in accordance with Part B.   |
| “The Pensions Act”                  | The Social Security Pensions Act 1975.   |
| “Personal pension scheme”           | The meaning given in section 84(1) of the Social Security Act 1986(60).  |
| “Previous provisions”               | Provisions contained in or made under an enactment relating to the superannuation of teachers which were in force at any time before 1st January 1977.   |
| “Qualified for retirement benefits” | Construe in accordance with regulation E3.   |
| “Qualifying public service scheme”  | Construe in accordance with regulation D6(2) and (3).  |
| “Reckonable service”                | Construe in accordance with regulation D1.   |
| “Relief teacher”                    | A person in pensionable employment which falls within (b) of the definition of “part-time”.  |
| “Retirement benefits”               | Construe in accordance with regulation E2.   |
| “Retirement lump sum”               | A retirement lump sum payable under Part E.  |
| “Retirement pension”                | A retirement pension payable under Part E.   |
| “Scheme managers”                   | In relation to a statutory scheme the expression means the Minister of the Crown or local authority or police or fire authority administering the scheme; in relation to any other scheme it means the person responsible for the management of the scheme.  |
| “Services education officer”        | An officer, other than one whose service as an officer qualifies him for retired pay, serving in   |

(60) 1986 c. 50.



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| Expression                  | Meaning  |
|-----------------------------|--|
|                             | the Armed Forces of the Crown as a teacher or supervisor and holding—<br>(a) a short service commission in the Royal Navy, the regular Army, the Women’s Royal Naval Service or the Women’s Royal Army Corps, or<br>(b) a short or medium service commission in the education branch or physical fitness branch of the Royal Air Force, or<br>(c) as an officer serving in either of those branches, a short service commission in the Women’s Royal Air Force.  |
| “Specified country service” | The expression includes—<br>(a) service before 25th March 1972 which was, for the purposes of Part IX of the 1967 Regulations <sup>(61)</sup> , service in a specified country as a services civilian teacher,<br>(b) service after 24th March 1972 and before 1st January 1977 which if section 25 of the Superannuation Act 1965 <sup>(62)</sup> had continued in force would have been such service as is mentioned in (a) above, and<br>(c) service after 31st December 1976 and before 1st January 1980 in continuation of such service as is mentioned in (b) above. |
| “State pensionable age”     | In the case of a man, 65; in the case of a woman, 60.  |
| “Statutory scheme”          | A scheme established under section 1 of the Superannuation Act 1972; arrangements for superannuation maintained in pursuance of regulations made, or having effect as made, under section 7 or 10 of that Act or under the Police Pensions Act 1976 <sup>(63)</sup> or the Superannuation (Northern Ireland) Order 1972 <sup>(64)</sup> ; the Firemen’s Pension Scheme made under the Fire Services Act 1947 <sup>(65)</sup> .   |
| “Supervisor”                | A person employed in a capacity connected with education which to a substantial extent involves the control or supervision of teachers.  |
| “Teacher’s pension”         | An annual allowance which became payable under the 1976 Regulations or previous provisions or a retirement pension.  |

<sup>(61)</sup> S.I. 1967/489, revoked by S.I. 1976/1987.

<sup>(62)</sup> 1965 c. 74; section 25 was repealed by the Superannuation Act 1972 (c. 11), section 29(4).

<sup>(63)</sup> 1976 c. 35.

<sup>(64)</sup> S.I. 1972/1073 (N.I. 10).

<sup>(65)</sup> 1947 c. 41.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| Expression     | Meaning  |
|----------------|--|
| “Terminal sum” | The expression includes a retirement lump sum, a short service incapacity grant, a refund of contributions and any sum payable on death. |

## SCHEDULE 2

Regulation B1

### PENSIONABLE EMPLOYMENT

#### PART I

##### EMPLOYMENTS PENSIONABLE WITHOUT ELECTION

1. Teacher employed by, or in a school or establishment of further education maintained by, a local education authority.
2. Teacher in a special school not maintained by a local education authority.
3. Teacher in a school, other than a special school, in respect of which grants are made by the Secretary of State to the person responsible for its management.
4. Teacher, organiser or supervisor employed—
  - (a) in an independent school which is for the time being recognised by the Secretary of State as a city technology college, or
  - (b) in connection with a proposed independent school the proposals for which are for the time being recognised by the Secretary of State as proposals for a city technology college.
5. Teacher in an establishment providing further education in respect of which grants are made to the governing body by the Secretary of State, by a body to which grants are made by the Secretary of State, or by a local education authority, other than—
  - (a) a university or college of a university,
  - (b) the Royal College of Art, and
  - (c) the Cranfield Institute of Technology.
6. Teacher employed in—
  - (a) a community home within the meaning of Part IV of the Child Care Act 1980<sup>(66)</sup>,
  - (b) a voluntary home as defined in section 56 of that Act<sup>(67)</sup>, or
  - (c) a home of the kind referred to in section 80 of that Act.
7. Teacher employed by a local authority or a voluntary organisation in an establishment which provides facilities under arrangements approved under section 19 of the Children and Young Persons Act 1969<sup>(68)</sup>.
8. Teacher in—
  - (a) a residential care home within the meaning of Part I of the Registered Homes Act 1984, or
  - (b) a mental nursing home as defined in section 22 of that Act,

<sup>(66)</sup> 1980 c. 5.

<sup>(67)</sup> Section 56 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 4, paragraph 38, and by the Registered Homes Act 1984 (c. 23), Schedule 1, paragraph 6.

<sup>(68)</sup> 1969 c. 54; section 19 was substituted by the Criminal Justice Act 1982 (c. 48), section 21.

who at any time before the commencement of Part III of the Mental Health Act 1959<sup>(69)</sup> was in pensionable employment in a certified institution as defined in section 71 of the Mental Deficiency Act 1913<sup>(70)</sup>.

9. Teacher in a special hospital provided by the Secretary of State under section 4 of the National Health Service Act 1977<sup>(71)</sup> (“the 1977 Act”).

10. Teacher employed for the purpose of instructing, training, or superintending the occupation of persons suffering from mental impairment, severe mental impairment, psychopathic disorder or mental illness—

- (a) in a hospital provided by the Secretary of State in accordance with the 1977 Act, or
- (b) by a voluntary organisation to which—
  - (i) contributions are made by a local authority under section 65 of the Health Services and Public Health Act 1968<sup>(72)</sup>, or
  - (ii) facilities are made available under section 23 of the 1977 Act<sup>(73)</sup>, or
- (c) by a local authority in the exercise of its functions under paragraph 2 of Schedule 8 to the 1977 Act<sup>(74)</sup>.

11. Teacher employed by the Field Studies Council.

12. Teacher employed in pursuance of arrangements made by the Secretary of State with the governors of any establishment which by virtue of the European Communities (European Schools) Order 1972<sup>(75)</sup> has the legal capacities of a body corporate.

13. Organiser employed as a youth and community worker by a local education authority for the purposes of their functions under section 41 or 53 of the Education Act 1944<sup>(76)</sup>.

## PART II

### EMPLOYMENTS PENSIONABLE ON ELECTION

14. Teacher in an institution for the further education and training of disabled persons.

15. Teacher employed in or in connection with an establishment for providing social or physical training, being training there in respect of which grants are made by the Secretary of State, the Sports Council or the Sports Council for Wales, whose principal duty is to attend the establishment and provide the training or supervise its provision.

16. Teacher employed by the Royal National Institute for the Blind for the purposes of its National Mobility Centre.

17. Teacher employed by the Spastics Society in its Staff Training College.

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<sup>(69)</sup> 1959 c. 72.

<sup>(70)</sup> 1913 c. 28.

<sup>(71)</sup> 1977 c. 49; section 4 was amended by the Mental Health Act 1983 (c. 20), Schedule 4, paragraph 37.

<sup>(72)</sup> 1968 c. 46; section 65 was amended by the Local Government Act 1972 (c. 70), Schedule 23, by the National Health Service (Reorganisation) Act 1973 (c. 32), Schedule 4, by the Children Act 1975 (c. 72), Schedule 3, by the Adoption Act 1976 (c. 36), Schedule 3, by the National Health Service Act 1977 (c. 49), Schedules 14 and 15, by the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), Schedule 2, by the Child Care Act 1980 (c. 5), Schedule 5, and by the Foster Children Act 1980 (c. 6), Schedule 2; and repealed in part by the Education (Work Experience) Act 1973 (c. 23), Schedule 5, by the Adoption Act 1976, Schedule 4, by the National Health Service Act 1977, Schedules 15 and 16, by the Child Care Act 1980, Schedule 6, and by the Local Government Act 1985 (c. 51), Schedule 17.

<sup>(73)</sup> Section 23 was repealed in part by the Health Services Act 1980 (c. 53), Schedule 7.

<sup>(74)</sup> Paragraph 2 of Schedule 8 was amended by the Mental Health Act 1983 (c. 20), Schedule 4, paragraph 47.

<sup>(75)</sup> S.I. 1972/1582.

<sup>(76)</sup> 1944 c. 31; section 53 was repealed in part by the Education Act 1981 (c. 60), Schedule 7.

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**18.** Teacher employed by the Commonwealth Institute.

**19.** Teacher employed by a person to whom grants are made by either the Secretary of State or a local education authority in respect of expenditure incurred for the purpose for which the teacher is employed.

**20.** Organiser employed by—

- (a) the Sports Council, or
- (b) the Sports Council for Wales, or
- (c) any other body, except a local education authority, to which grants—
  - (i) are made by either of those Councils or by a local education authority, or
  - (ii) are or have been made by the Secretary of State,

in respect of expenditure incurred for the purpose for which the organiser is employed.

**21.** Teacher, supervisor or youth worker employed by the Ministry of Defence in service with the Armed Forces of the Crown or for purposes connected with the Armed Forces, unless—

- (a) the Principal Civil Service Pension Scheme applies to him, or
- (b) he was engaged outside the United Kingdom and had not previously been in other pensionable employment.

**22.** Services education officer.

**23.** Organiser employed as a youth and community worker by a body to whom grants are made by a local education authority in the exercise of their functions under section 41 or 53 of the Education Act 1944.

**24.** Organiser employed by—

- the City and Guilds of London Institute,
- the Associated Examining Board,
- a Regional Advisory Council for Further Education,
- the Council for National Academic Awards,
- the Business and Technician Education Council,
- the Catholic Education Council,
- a Roman Catholic Diocesan Schools Commission,
- the Spastics Society,
- the Royal National Institute for the Blind,
- a Diocesan Education Committee established under the Diocesan Education Committees Measure 1955<sup>(77)</sup>,
- the National Nursery Examination Board,
- the National Society for Promoting Religious Education,
- the Independent Schools Careers Organisation,
- the Association of Christian Teachers,
- the East Midlands Further Education Council,
- the Yorkshire and Humberside Association for Further and Higher Education,
- the North of England Institute for Christian Education, or

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the Field Studies Council.

**25.** Teacher in a university who—

- (a) was employed as a teacher in an establishment of further education described in paragraph 1 or 5 which has ceased to fall within that description and become part of the university, and
- (b) was so employed immediately before it did so.

### SCHEDULE 3

Regulations C3, C8

#### MAXIMUM LENGTH OF ADDITIONAL PERIODS

**1.—(1)** Subject to paragraph 2, the maximum length of the period in respect of which an election may be made under regulation C3 or C8 is A–B, where—

A is the length of time specified in the second column of the Table below against the person's adjusted age, and

B is the length of any additional period already purchased or in course of being purchased by him.

**TABLE**

| <i>Adjusted age</i> | <i>Length of time</i>  |
|---------------------|--|
| Under 50            | 30 years   |
| 50 and under 51     | 23 years   |
| 51 and under 52     | 16 years   |
| 52 and under 53     | 9 years  |
| 53 and under 54     | 2 years  |
| 54 and over         | Twice the difference in days between the adjusted age and 55 years |

**(2)** A person's adjusted age—

- (a) if he has continued in pensionable employment since the start of his first such employment and has not been credited with reckonable service on the receipt of a transfer value in respect of comparable British service, is his age at the start of his first pensionable employment, and

(b) in any other case, is C–D, where—

C is his age at the start of his most recent pensionable employment, and

D is the total of the time he had then spent in pensionable employment and the length of any reckonable service with which he has been credited on the receipt of a transfer value in respect of comparable British service.

**2.—(1)** This paragraph applies to a person who—

- (a) has been credited with admitted service, or
- (b) at the start of his most recent pensionable employment was entitled in respect of a former employment to material benefits, whether or not they had then become payable.

**(2)** Material benefits comprise—

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- (a) any benefits by way of pension, allowance, lump sum or gratuity whose actuarial equivalent as an annuity for life from the age of 60 would be more than £104 a year, and
  - (b) any refund of contributions which, together with any interest payable, exceeded £2,000 and which was received after the person attained the age of 45.
- (3) Where this paragraph applies and the number of years calculated in accordance with sub-paragraph (4) is lower than the number specified against the person's adjusted age in the Table, paragraph 1(1) applies with the substitution of that lower number as "A".
- (4) The number of years is the highest one that secures that  $E+F+G+H$  does not exceed J, where—
- E is the actuarial equivalent as an annuity for life from the age of 60 of any material benefits,
  - F is the actuarial equivalent as such an annuity of any benefits attributable to admitted service,
  - G is the actuarial equivalent as such an annuity of the notional retirement lump sum,
  - H is the annual amount of the notional pension, and
  - J is two thirds of the notional average salary.
- (5) The notional retirement lump sum, pension and average salary—
- (a) where the election is made before the person attains the age of 60, are those resulting from the assumptions that he continues in pensionable employment until that age and then becomes entitled to retirement benefits and that the salary scale applicable at the date of the election continues to apply, and
  - (b) where the election is made after the person has attained the age of 60, are those resulting from the assumptions that he ceased to be in pensionable employment on his 60th birthday and then became entitled to retirement benefits.

**3.—(1)** This paragraph applies where a person—

- (a) has elected to pay additional contributions under regulation C3, or
- (b) has continued to pay additional contributions by virtue of regulation C5(1) (elections made before 30th August 1982),

and before attaining the age of 60 and before the end of the period during which they were to be paid he ceases to be in full-time pensionable employment, otherwise than by reason of his death or his becoming incapacitated or becoming entitled to retirement benefits by virtue of regulation E4(7) (redundancy, etc.).

(2) Where this paragraph applies, any right to elect to make a lump sum payment may be exercised only to the extent that it does not result in the addition to the service that he would otherwise have been entitled to count as reckonable service of more than—

$$\left| A \times \frac{B}{C} \right| - D$$

where—

A is the longest period in respect of which he could have elected to pay the additional contributions,

B is the length of his reckonable service, excluding any past period reckonable by virtue of additional contributions, when he ceased to be in full-time pensionable employment,

C is the total of B and the period beginning at the cessation and ending immediately before his 60th birthday, and

D is the length of the past period or periods reckonable at the time of the cessation by virtue of all additional contributions.

## SCHEDULE 4

Regulation C3

## ADDITIONAL CONTRIBUTIONS FOR PAST PERIOD

## PART 1

## METHOD A

**1.—**(1) In this Part (and throughout this Schedule) “the principal election” means the election made under regulation C3, “the past period” means the period specified under regulation C3(12)(a), and “the contribution period” means the period specified under regulation C3(12)(c).

(2) During any period for which a person is paying additional contributions for a current period under regulation C8, for the purposes of this Part (and of Part III)—

- (a) he is to be treated as being in full-time pensionable employment, and
- (b) his contributable salary is the notional salary described in regulation C8(7).

**2.—**(1) The contribution period must be one of not less than one year, and begins on the first day of the month following that in which the election becomes irrevocable under regulation C3(13).

(2) The contribution period and the past period must be such that A+B does not exceed 15 per cent of his contributable salary for the time being, where—

A is the rate at which the additional contributions are payable, and

B is the rate at which he pays other contributions under Part C (except any treated for the purposes of regulation G2 as employer’s contributions) or towards the provision of a pension otherwise than under these Regulations.

**3.** Subject to paragraphs 4 and 5, the rate at which the additional contributions are payable is the percentage ascertained from Table 1 below of his contributable salary for the time being.

TABLE 1

| Contribution period in years      | 1  | 2     | 3     | 4    | 5    |
|-----------------------------------|--|-------|-------|------|------|
| Age when notice of election given | Percentage contribution in respect of each year of past period |       |       |      |      |
| 20                                | 32.96  | 15.97 | 10.35 | 7.59 | 5.97 |
| 21                                | 31.79  | 15.32 | 9.88  | 7.20 | 5.69 |
| 22                                | 30.66  | 14.71 | 9.45  | 6.84 | 5.41 |
| 23                                | 29.59  | 14.15 | 9.05  | 6.52 | 5.13 |
| 24                                | 28.57  | 13.62 | 8.69  | 6.24 | 4.85 |
| 25                                | 27.61  | 13.14 | 8.36  | 5.99 | 4.57 |
| 26                                | 26.63  | 12.71 | 8.10  | 5.81 | 4.47 |
| 27                                | 25.74  | 12.31 | 7.86  | 5.64 | 4.36 |

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| Contribution<br>period in<br>years         | 1  | 2     | 3    | 4    | 5    |
|--|--|-------|------|------|------|
| Age when<br>notice of<br>election<br>given | Percentage contribution in respect of each year of past period |       |      |      |      |
| 28   | 24.93  | 11.95 | 7.64 | 5.50 | 4.26 |
| 29   | 24.20  | 11.63 | 7.45 | 5.37 | 4.15 |
| 30   | 23.55  | 11.34 | 7.28 | 5.26 | 4.05 |
| 31   | 23.04  | 11.12 | 7.15 | 5.17 | 4.01 |
| 32   | 22.59  | 10.91 | 7.03 | 5.10 | 3.97 |
| 33   | 22.18  | 10.73 | 6.93 | 5.03 | 3.92 |
| 34   | 21.83  | 10.58 | 6.85 | 4.98 | 3.88 |
| 35   | 21.52  | 10.45 | 6.78 | 4.94 | 3.84 |
| 36   | 21.31  | 10.37 | 6.73 | 4.92 | 3.84 |
| 37   | 21.14  | 10.30 | 6.70 | 4.90 | 3.84 |
| 38   | 20.99  | 10.25 | 6.67 | 4.89 | 3.83 |
| 39   | 20.87  | 10.21 | 6.66 | 4.89 | 3.83 |
| 40   | 20.78  | 10.18 | 6.65 | 4.89 | 3.83 |
| 41   | 20.75  | 10.18 | 6.65 | 4.90 | 3.85 |
| 42   | 20.74  | 10.18 | 6.67 | 4.91 | 3.86 |
| 43   | 20.74  | 10.20 | 6.68 | 4.93 | 3.88 |
| 44   | 20.76  | 10.22 | 6.70 | 4.95 | 3.90 |
| 45   | 20.81  | 10.25 | 6.73 | 4.97 | 3.92 |
| 46   | 20.87  | 10.29 | 6.76 | 5.00 | 3.95 |
| 47   | 20.94  | 10.33 | 6.80 | 5.03 | 3.98 |
| 48   | 21.04  | 10.39 | 6.84 | 5.06 | 4.01 |
| 49   | 21.16  | 10.45 | 6.89 | 5.10 | 4.04 |
| 50   | 21.29  | 10.52 | 6.94 | 5.15 | 4.07 |
| 51   | 21.44  | 10.61 | 7.00 | 5.20 | 4.12 |
| 52   | 21.61  | 10.70 | 7.07 | 5.25 | 4.17 |
| 53   | 21.80  | 10.80 | 7.15 | 5.32 | 4.22 |
| 54   | 22.01  | 10.92 | 7.23 | 5.39 | 4.27 |
| 55   | 22.23  | 11.04 | 7.32 | 5.46 | 4.32 |
| 56   | 22.59  | 11.24 | 7.47 | 5.58 | 4.47 |
| 57   | 23.00  | 11.48 | 7.64 | 5.73 | 4.62 |



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| Contribution period in years<br>Age when notice of election given | 1  | 2     | 3    | 4    | 5    |
|---|--|-------|------|------|------|
|   | Percentage contribution in respect of each year of past period |       |      |      |      |
| 58  | 23.47  | 11.74 | 7.84 | 5.89 | 4.77 |
| 59  | 23.99  | 12.04 | 8.07 | 6.08 | 4.91 |
| 60  | 24.57  | 12.38 | 8.31 | 6.28 | 5.06 |
| 61  | 24.05  | 12.12 | 8.14 | 6.15 | 4.96 |
| 62  | 23.53  | 11.85 | 7.96 | 6.02 | 4.85 |
| 63  | 23.01  | 11.59 | 7.79 | 5.88 | 4.74 |
| 64  | 20.28  | 10.14 | 6.76 | 5.07 | 4.63 |
| 65  | 21.97  | 11.07 | 7.43 | 5.62 |      |
| 66  | 21.44  | 10.78 | 7.23 | 5.45 |      |
| 67  | 20.91  | 10.49 | 7.02 | 5.28 |      |
| 68  | 20.39  | 10.20 | 6.81 | 5.11 |      |
| 69  | 19.86  | 9.91  | 6.60 | 4.94 |      |

**TABLE 1**

(continued)

| Contribution period in years<br>Age when notice of election given | 6  | 7    | 8    | 9    | 10   |
|---|--|------|------|------|------|
|   | Percentage contribution in respect of each year of past period |      |      |      |      |
| 20  | 4.84   | 4.04 | 3.44 | 2.97 | 2.60 |
| 21  | 4.63   | 3.87 | 3.31 | 2.86 | 2.51 |
| 22  | 4.41   | 3.70 | 3.17 | 2.75 | 2.42 |
| 23  | 4.20   | 3.53 | 3.03 | 2.64 | 2.33 |
| 24  | 3.98   | 3.36 | 2.90 | 2.53 | 2.24 |
| 25  | 3.77   | 3.19 | 2.76 | 2.42 | 2.16 |
| 26  | 3.68   | 3.13 | 2.71 | 2.38 | 2.12 |
| 27  | 3.60   | 3.06 | 2.65 | 2.34 | 2.08 |
| 28  | 3.52   | 2.99 | 2.60 | 2.29 | 2.05 |
| 29  | 3.44   | 2.93 | 2.55 | 2.25 | 2.01 |

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| Contribution<br>period in<br>years         | 6  | 7    | 8    | 9    | 10   |
|--|--|------|------|------|------|
| Age when<br>notice of<br>election<br>given | Percentage contribution in respect of each year of past period |      |      |      |      |
| 30   | 3.36   | 2.86 | 2.49 | 2.20 | 1.97 |
| 31   | 3.33   | 2.84 | 2.47 | 2.19 | 1.96 |
| 32   | 3.29   | 2.82 | 2.46 | 2.18 | 1.95 |
| 33   | 3.26   | 2.79 | 2.44 | 2.16 | 1.94 |
| 34   | 3.23   | 2.77 | 2.42 | 2.15 | 1.93 |
| 35   | 3.20   | 2.74 | 2.40 | 2.13 | 1.92 |
| 36   | 3.20   | 2.75 | 2.40 | 2.14 | 1.93 |
| 37   | 3.20   | 2.75 | 2.41 | 2.14 | 1.93 |
| 38   | 3.20   | 2.75 | 2.41 | 2.14 | 1.93 |
| 39   | 3.20   | 2.75 | 2.41 | 2.15 | 1.94 |
| 40   | 3.20   | 2.75 | 2.41 | 2.15 | 1.94 |
| 41   | 3.22   | 2.77 | 2.43 | 2.17 | 1.96 |
| 42   | 3.23   | 2.78 | 2.44 | 2.18 | 1.97 |
| 43   | 3.25   | 2.80 | 2.46 | 2.19 | 1.98 |
| 44   | 3.26   | 2.81 | 2.47 | 2.21 | 1.99 |
| 45   | 3.28   | 2.83 | 2.49 | 2.22 | 2.01 |
| 46   | 3.31   | 2.85 | 2.51 | 2.24 | 2.03 |
| 47   | 3.34   | 2.88 | 2.53 | 2.27 | 2.05 |
| 48   | 3.36   | 2.90 | 2.56 | 2.29 | 2.07 |
| 49   | 3.39   | 2.93 | 2.58 | 2.31 | 2.10 |
| 50   | 3.42   | 2.96 | 2.61 | 2.34 | 2.12 |
| 51   | 3.46   | 2.99 | 2.63 | 2.36 | 2.14 |
| 52   | 3.50   | 3.02 | 2.66 | 2.38 | 2.16 |
| 53   | 3.54   | 3.05 | 2.69 | 2.40 | 2.17 |
| 54   | 3.58   | 3.08 | 2.71 | 2.42 | 2.19 |
| 55   | 3.62   | 3.12 | 2.74 | 2.44 | 2.21 |
| 56   | 3.75   | 3.23 | 2.84 | 2.53 | 2.29 |
| 57   | 3.87   | 3.34 | 2.94 | 2.63 | 2.38 |
| 58   | 4.00   | 3.45 | 3.04 | 2.72 | 2.46 |
| 59   | 4.12   | 3.56 | 3.14 | 2.81 | 2.54 |

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| Contribution period in years<br>Age when notice of election given | 6  | 7    | 8    | 9    | 10 |
|---|--|------|------|------|----|
|   | Percentage contribution in respect of each year of past period |      |      |      |    |
| 60  | 4.25   | 3.67 | 3.24 | 2.90 |    |
| 61  | 4.96   | 4.16 | 3.59 | 3.17 |    |
| 62  | 4.85   | 4.07 | 3.51 |      |    |
| 63  | 4.74   | 3.98 |      |      |    |
| 64  | 4.63   |      |      |      |    |

**TABLE 1**

(continued)

| Contribution period in years<br>Age when notice of election given | 11   | 12   | 13   | 14   | 15   |
|---|--|------|------|------|------|
|   | Percentage contribution in respect of each year of past period |      |      |      |      |
| 20  | 2.32   | 2.10 | 1.90 | 1.73 | 1.59 |
| 21  | 2.25   | 2.03 | 1.84 | 1.69 | 1.55 |
| 22  | 2.17   | 1.96 | 1.79 | 1.64 | 1.51 |
| 23  | 2.10   | 1.90 | 1.73 | 1.59 | 1.47 |
| 24  | 2.02   | 1.83 | 1.68 | 1.54 | 1.42 |
| 25  | 1.95   | 1.77 | 1.62 | 1.49 | 1.38 |
| 26  | 1.91   | 1.74 | 1.60 | 1.48 | 1.37 |
| 27  | 1.88   | 1.72 | 1.58 | 1.46 | 1.35 |
| 28  | 1.85   | 1.69 | 1.55 | 1.44 | 1.34 |
| 29  | 1.82   | 1.67 | 1.53 | 1.42 | 1.32 |
| 30  | 1.79   | 1.64 | 1.51 | 1.40 | 1.30 |
| 31  | 1.78   | 1.63 | 1.51 | 1.40 | 1.30 |
| 32  | 1.77   | 1.63 | 1.50 | 1.39 | 1.30 |
| 33  | 1.77   | 1.62 | 1.50 | 1.39 | 1.30 |
| 34  | 1.76   | 1.61 | 1.49 | 1.39 | 1.30 |
| 35  | 1.75   | 1.61 | 1.49 | 1.38 | 1.29 |
| 36  | 1.75   | 1.61 | 1.49 | 1.39 | 1.30 |

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| Contribution<br>period in<br>years         | 11   | 12   | 13   | 14   | 15   |
|--|--|------|------|------|------|
| Age when<br>notice of<br>election<br>given | Percentage contribution in respect of each year of past period |      |      |      |      |
| 37   | 1.76   | 1.62 | 1.50 | 1.39 | 1.30 |
| 38   | 1.76   | 1.62 | 1.50 | 1.40 | 1.31 |
| 39   | 1.77   | 1.63 | 1.51 | 1.41 | 1.32 |
| 40   | 1.77   | 1.63 | 1.51 | 1.41 | 1.32 |
| 41   | 1.79   | 1.65 | 1.53 | 1.42 | 1.34 |
| 42   | 1.80   | 1.66 | 1.54 | 1.44 | 1.35 |
| 43   | 1.81   | 1.67 | 1.55 | 1.45 | 1.36 |
| 44   | 1.83   | 1.68 | 1.56 | 1.46 | 1.37 |
| 45   | 1.84   | 1.70 | 1.58 | 1.47 | 1.39 |
| 46   | 1.86   | 1.71 | 1.59 | 1.49 | 1.40 |
| 47   | 1.88   | 1.73 | 1.61 | 1.50 | 1.41 |
| 48   | 1.90   | 1.75 | 1.62 | 1.51 | 1.42 |
| 49   | 1.91   | 1.76 | 1.63 | 1.52 | 1.43 |
| 50   | 1.93   | 1.78 | 1.65 | 1.54 | 1.44 |
| 51   | 1.95   | 1.80 | 1.66 | 1.55 | 1.45 |
| 52   | 1.97   | 1.81 | 1.68 | 1.57 | 1.47 |
| 53   | 1.99   | 1.83 | 1.70 | 1.59 | 1.49 |
| 54   | 2.00   | 1.85 | 1.71 | 1.60 | 1.50 |
| 55   | 2.02   | 1.86 | 1.73 | 1.62 |      |
| 56   | 2.10   | 1.94 | 1.80 |      |      |
| 57   | 2.17   | 2.01 |      |      |      |
| 58   | 2.25   |      |      |      |      |

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**TABLE 1**

(continued)

| Contribution<br>period in<br>years<br>Age when<br>notice of<br>election<br>given | 16   | 17   | 18   | 19   | 20   |
|--|--|------|------|------|------|
|  | Percentage contribution in respect of each year of past period |      |      |      |      |
| 20   | 1.47   | 1.37 | 1.28 | 1.20 | 1.13 |
| 21   | 1.44   | 1.34 | 1.25 | 1.17 | 1.10 |
| 22   | 1.40   | 1.31 | 1.22 | 1.15 | 1.08 |
| 23   | 1.36   | 1.28 | 1.20 | 1.12 | 1.06 |
| 24   | 1.33   | 1.24 | 1.17 | 1.10 | 1.04 |
| 25   | 1.29   | 1.21 | 1.14 | 1.08 | 1.02 |
| 26   | 1.28   | 1.20 | 1.13 | 1.07 | 1.01 |
| 27   | 1.26   | 1.19 | 1.12 | 1.06 | 1.00 |
| 28   | 1.25   | 1.18 | 1.11 | 1.05 | 1.00 |
| 29   | 1.24   | 1.16 | 1.10 | 1.04 | 0.99 |
| 30   | 1.22   | 1.15 | 1.09 | 1.03 | 0.98 |
| 31   | 1.22   | 1.15 | 1.09 | 1.03 | 0.98 |
| 32   | 1.22   | 1.15 | 1.09 | 1.03 | 0.98 |
| 33   | 1.22   | 1.15 | 1.09 | 1.03 | 0.98 |
| 34   | 1.22   | 1.15 | 1.09 | 1.03 | 0.99 |
| 35   | 1.22   | 1.15 | 1.09 | 1.03 | 0.99 |
| 36   | 1.22   | 1.16 | 1.10 | 1.04 | 0.99 |
| 37   | 1.23   | 1.16 | 1.10 | 1.05 | 1.00 |
| 38   | 1.23   | 1.17 | 1.11 | 1.06 | 1.01 |
| 39   | 1.24   | 1.17 | 1.12 | 1.06 | 1.01 |
| 40   | 1.25   | 1.18 | 1.12 | 1.07 | 1.02 |
| 41   | 1.26   | 1.19 | 1.13 | 1.08 | 1.03 |
| 42   | 1.27   | 1.20 | 1.14 | 1.09 | 1.04 |
| 43   | 1.28   | 1.21 | 1.15 | 1.09 | 1.04 |
| 44   | 1.29   | 1.22 | 1.16 | 1.10 | 1.05 |
| 45   | 1.30   | 1.23 | 1.17 | 1.11 | 1.06 |
| 46   | 1.31   | 1.24 | 1.18 | 1.12 | 1.07 |
| 47   | 1.32   | 1.25 | 1.19 | 1.13 | 1.08 |

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| Contribution<br>period in<br>years<br>Age when<br>notice of<br>election<br>given | 16   | 17   | 18   | 19   | 20   |
|--|--|------|------|------|------|
|  | Percentage contribution in respect of each year of past period |      |      |      |      |
| 48   | 1.34   | 1.26 | 1.20 | 1.14 | 1.09 |
| 49   | 1.35   | 1.27 | 1.21 | 1.15 | 1.10 |
| 50   | 1.36   | 1.28 | 1.22 | 1.16 |      |
| 51   | 1.37   | 1.30 | 1.23 |      |      |
| 52   | 1.39   | 1.31 |      |      |      |
| 53   | 1.40   |      |      |      |      |

**TABLE 1**

(continued)

| Contribution<br>period in<br>years<br>Age when<br>notice of<br>election<br>given | 21   | 22   | 23   | 24   | 25   |
|--|--|------|------|------|------|
|  | Percentage contribution in respect of each year of past period |      |      |      |      |
| 20   | 1.06   | 1.01 | 0.96 | 0.91 | 0.87 |
| 21   | 1.05   | 0.99 | 0.94 | 0.90 | 0.86 |
| 22   | 1.03   | 0.97 | 0.93 | 0.89 | 0.85 |
| 23   | 1.01   | 0.96 | 0.91 | 0.87 | 0.83 |
| 24   | 0.99   | 0.94 | 0.90 | 0.86 | 0.82 |
| 25   | 0.97   | 0.92 | 0.88 | 0.84 | 0.81 |
| 26   | 0.96   | 0.92 | 0.88 | 0.84 | 0.81 |
| 27   | 0.96   | 0.91 | 0.87 | 0.84 | 0.80 |
| 28   | 0.95   | 0.91 | 0.87 | 0.83 | 0.80 |
| 29   | 0.94   | 0.90 | 0.86 | 0.83 | 0.80 |
| 30   | 0.94   | 0.90 | 0.86 | 0.83 | 0.79 |
| 31   | 0.94   | 0.90 | 0.86 | 0.83 | 0.80 |
| 32   | 0.94   | 0.90 | 0.86 | 0.83 | 0.80 |
| 33   | 0.94   | 0.90 | 0.87 | 0.83 | 0.80 |
| 34   | 0.94   | 0.90 | 0.87 | 0.84 | 0.81 |
| 35   | 0.94   | 0.91 | 0.87 | 0.84 | 0.81 |

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| Contribution period in years<br>Age when notice of election given | 21   | 22   | 23   | 24   | 25   |
|---|--|------|------|------|------|
|   | Percentage contribution in respect of each year of past period |      |      |      |      |
| 36  | 0.95   | 0.91 | 0.88 | 0.84 | 0.81 |
| 37  | 0.96   | 0.92 | 0.88 | 0.85 | 0.82 |
| 38  | 0.96   | 0.92 | 0.89 | 0.85 | 0.82 |
| 39  | 0.97   | 0.93 | 0.89 | 0.86 | 0.83 |
| 40  | 0.98   | 0.94 | 0.90 | 0.86 | 0.83 |
| 41  | 0.98   | 0.94 | 0.90 | 0.87 | 0.84 |
| 42  | 0.99   | 0.95 | 0.91 | 0.88 | 0.85 |
| 43  | 1.00   | 0.96 | 0.92 | 0.88 | 0.85 |
| 44  | 1.00   | 0.96 | 0.93 | 0.89 | 0.86 |
| 45  | 1.01   | 0.97 | 0.93 | 0.90 |      |
| 46  | 1.02   | 0.98 | 0.94 |      |      |
| 47  | 1.03   | 0.99 |      |      |      |
| 48  | 1.04   |      |      |      |      |

TABLE 1

(continued)

| Contribution period in years<br>Age when notice of election given | 26   | 27   | 28   | 29   | 30   |
|---|--|------|------|------|------|
|   | Percentage contribution in respect of each year of past period |      |      |      |      |
| 20  | 0.83   | 0.80 | 0.77 | 0.74 | 0.71 |
| 21  | 0.82   | 0.79 | 0.76 | 0.73 | 0.71 |
| 22  | 0.81   | 0.78 | 0.75 | 0.72 | 0.70 |
| 23  | 0.80   | 0.77 | 0.74 | 0.72 | 0.69 |
| 24  | 0.79   | 0.76 | 0.73 | 0.71 | 0.69 |
| 25  | 0.78   | 0.75 | 0.73 | 0.70 | 0.68 |
| 26  | 0.78   | 0.75 | 0.72 | 0.70 | 0.68 |
| 27  | 0.77   | 0.75 | 0.72 | 0.70 | 0.68 |
| 28  | 0.77   | 0.75 | 0.72 | 0.70 | 0.68 |

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| Contribution period in years<br>Age when notice of election given | 26   | 27   | 28   | 29   | 30   |
|---|--|------|------|------|------|
|   | Percentage contribution in respect of each year of past period |      |      |      |      |
| 29  | 0.77   | 0.74 | 0.72 | 0.70 | 0.68 |
| 30  | 0.77   | 0.74 | 0.72 | 0.70 | 0.68 |
| 31  | 0.77   | 0.74 | 0.72 | 0.70 | 0.68 |
| 32  | 0.77   | 0.75 | 0.72 | 0.70 | 0.68 |
| 33  | 0.78   | 0.75 | 0.72 | 0.70 | 0.68 |
| 34  | 0.78   | 0.75 | 0.73 | 0.70 | 0.68 |
| 35  | 0.78   | 0.75 | 0.73 | 0.71 | 0.68 |
| 36  | 0.79   | 0.76 | 0.73 | 0.71 | 0.69 |
| 37  | 0.79   | 0.76 | 0.74 | 0.72 | 0.69 |
| 38  | 0.79   | 0.77 | 0.74 | 0.72 | 0.70 |
| 39  | 0.80   | 0.77 | 0.75 | 0.72 | 0.70 |
| 40  | 0.80   | 0.78 | 0.75 | 0.73 |      |
| 41  | 0.81   | 0.78 | 0.76 |      |      |
| 42  | 0.82   | 0.79 |      |      |      |
| 43  | 0.82   |      |      |      |      |

**TABLE 1**

(continued)

| Contribution period in years<br>Age when notice of election given | 31   | 32   | 33   | 34   | 35   |
|---|--|------|------|------|------|
|   | Percentage contribution in respect of each year of past period |      |      |      |      |
| 20  | 0.69   | 0.67 | 0.65 | 0.63 | 0.61 |
| 21  | 0.68   | 0.66 | 0.64 | 0.62 | 0.60 |
| 22  | 0.68   | 0.66 | 0.64 | 0.62 | 0.60 |
| 23  | 0.67   | 0.65 | 0.63 | 0.61 | 0.60 |
| 24  | 0.66   | 0.65 | 0.63 | 0.61 | 0.59 |
| 25  | 0.66   | 0.64 | 0.62 | 0.61 | 0.59 |
| 26  | 0.66   | 0.64 | 0.62 | 0.61 | 0.59 |



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| Contribution<br>period in<br>years<br>Age when<br>notice of<br>election<br>given | 31   | 32   | 33   | 34   | 35   |
|--|--|------|------|------|------|
|  | Percentage contribution in respect of each year of past period |      |      |      |      |
| 27   | 0.66   | 0.64 | 0.62 | 0.60 | 0.59 |
| 28   | 0.66   | 0.64 | 0.62 | 0.60 | 0.59 |
| 29   | 0.66   | 0.64 | 0.62 | 0.60 | 0.59 |
| 30   | 0.66   | 0.64 | 0.62 | 0.60 | 0.59 |
| 31   | 0.66   | 0.64 | 0.62 | 0.60 | 0.59 |
| 32   | 0.66   | 0.64 | 0.62 | 0.61 | 0.59 |
| 33   | 0.66   | 0.64 | 0.63 | 0.61 | 0.59 |
| 34   | 0.66   | 0.65 | 0.63 | 0.61 | 0.60 |
| 35   | 0.67   | 0.65 | 0.63 | 0.61 |      |
| 36   | 0.67   | 0.65 | 0.63 |      |      |
| 37   | 0.67   | 0.66 |      |      |      |
| 38   | 0.68   |      |      |      |      |

TABLE 1

(continued)

| Contribution<br>period in<br>years<br>Age when<br>notice of<br>election<br>given | 36   | 37   | 38   | 39   | 40   |
|--|--|------|------|------|------|
|  | Percentage contribution in respect of each year of past period |      |      |      |      |
| 20   | 0.59   | 0.58 | 0.56 | 0.55 | 0.54 |
| 21   | 0.59   | 0.57 | 0.56 | 0.55 | 0.53 |
| 22   | 0.59   | 0.57 | 0.56 | 0.54 | 0.53 |
| 23   | 0.58   | 0.57 | 0.55 | 0.54 | 0.53 |
| 24   | 0.58   | 0.56 | 0.55 | 0.54 | 0.52 |
| 25   | 0.57   | 0.56 | 0.55 | 0.53 | 0.52 |
| 26   | 0.57   | 0.56 | 0.55 | 0.53 | 0.52 |
| 27   | 0.57   | 0.56 | 0.55 | 0.53 | 0.52 |
| 28   | 0.57   | 0.56 | 0.55 | 0.53 | 0.52 |
| 29   | 0.57   | 0.56 | 0.55 | 0.53 | 0.52 |

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| Contribution<br>period in<br>years         | 36   | 37   | 38   | 39   | 40 |
|--|--|------|------|------|----|
| Age when<br>notice of<br>election<br>given | Percentage contribution in respect of each year of past period |      |      |      |    |
| 30   | 0.57   | 0.56 | 0.55 | 0.53 |    |
| 31   | 0.57   | 0.56 | 0.55 |      |    |
| 32   | 0.58   | 0.56 |      |      |    |
| 33   | 0.58   |      |      |      |    |

**TABLE 1**

(continued)

| Contribution<br>period in<br>years         | 41   | 42   | 43   | 44   | 45   |
|--|--|------|------|------|------|
| Age when<br>notice of<br>election<br>given | Percentage contribution in respect of each year of past period |      |      |      |      |
| 20   | 0.52   | 0.51 | 0.50 | 0.49 | 0.48 |
| 21   | 0.52   | 0.51 | 0.50 | 0.49 | 0.48 |
| 22   | 0.52   | 0.51 | 0.50 | 0.49 | 0.47 |
| 23   | 0.52   | 0.50 | 0.49 | 0.48 | 0.47 |
| 24   | 0.51   | 0.50 | 0.49 | 0.48 | 0.47 |
| 25   | 0.51   | 0.50 | 0.49 | 0.48 |      |
| 26   | 0.51   | 0.50 | 0.49 |      |      |
| 27   | 0.51   | 0.50 |      |      |      |
| 28   | 0.51   |      |      |      |      |

**TABLE 1**

(continued)

| Contribution<br>period in years         | 46   | 47   | 48   | 49   |
|---|--|------|------|------|
| Age when<br>notice of<br>election given | Percentage contribution in respect of each year of past period |      |      |      |
| 20                                      | 0.47   | 0.46 | 0.45 | 0.44 |
| 21                                      | 0.47   | 0.46 | 0.45 |      |

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| Contribution period in years      | 46   | 47   | 48 | 49 |
|-----------------------------------|--|------|----|----|
| Age when notice of election given | Percentage contribution in respect of each year of past period |      |    |    |
| 22                                | 0.47   | 0.46 |    |    |
| 23                                | 0.46   |      |    |    |

4.—(1) At any time during the contribution period the person may, subject to paragraph 2, by giving written notice to the Secretary of State elect to shorten it or, if he has already made one or more such elections, to shorten it further.

(2) An election under this paragraph—

- (a) has effect only if the Secretary of State notifies the person in writing that it has been accepted, and
- (b) on acceptance, has effect as from the next anniversary of the start of the contribution period (“the effective date”).

(3) From the effective date Table 1 in paragraph 3 applies with the substitution—

- (a) for the person’s age at the date of the principal election, of his age at the date when notice of the election under this paragraph was given,
- (b) for the number of years in the contribution period, of the number of years after the effective date in the shortened period, and
- (c) for the number of years in the past period, of that number multiplied by—

$$C - \left( C \times \frac{D}{E} \right)$$

where—

C is the number of years in the past period,

D is the number of years in the contribution period up to the effective date, and

E is the number of years in the contribution period.

5.—(1) Subject to sub-paragraphs (2) to (5), if the person—

- (a) before the end of the contribution period ceases to be in full-time pensionable employment, and
- (b) does not again enter such employment within one month and before becoming entitled to retirement benefits,

the principal election ceases to have effect.

(2) Unless he receives a refund of contributions under regulation C10, he may—

- (a) if he became entitled to payment of retirement benefits on ceasing to hold his employment, on or after applying for them and before receiving a retirement lump sum, or
- (b) in any other case, within 3 months after the end of his employment,

by giving written notice to the Secretary of State elect to complete payment of the additional contributions (so that regulation D3(1)(b) will apply instead of regulation D3(2)) by making a lump sum payment under this paragraph.

(3) Where he had not attained the age of 60 when he ceased to hold his employment, the amount of the payment is, subject to sub-paragraph (4) and to paragraph 3 of Schedule 3, the actuarial

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equivalent, when the employment ended, of the additional contributions that would have been payable for the remainder of the contribution period.

(4) Where—

(a) when he ceased to hold his employment he had become incapacitated and had not attained the age of 60, and

(b) he would have attained that age before the end of the contribution period,

the amount of the payment is, subject to paragraph 3 of Schedule 3, the actuarial equivalent, when the employment ended, of the additional contributions that would have been payable after he attained that age.

(5) Where he had attained the age of 60 when he ceased to hold his employment, the amount of the payment is, subject to paragraph 3 of Schedule 3,  $E \times F$ , where—

E is the amount of the additional contributions for one year at the rate at which they were last payable, and

F is the multiplier ascertained from, or where the remainder of the contribution period is not an exact number of years by extrapolation from, Table 2 below.

**TABLE 2**

| Years remaining in contribution period | Multiplier |
|--|------------|
| 1                                      | 0.993      |
| 2                                      | 1.970      |
| 3                                      | 2.934      |
| 4                                      | 3.883      |
| 5                                      | 4.818      |
| 6                                      | 5.740      |
| 7                                      | 6.648      |
| 8                                      | 7.542      |
| 9                                      | 8.423      |
| 10                                     | 9.291      |

(6) If the payment is not made within the period allowed by sub-paragraph (2) for making the election, the election ceases to have effect.

**6.** Where paragraph 5 has become applicable and the person is entitled to a retirement lump sum which is smaller than the payment he could elect to make under that paragraph, he may instead elect, in the same way and during the same period, to make a payment under this paragraph of a lump sum equal to the retirement lump sum.

**7.** Any retirement lump sum to which the person is entitled may, subject to paragraph 8(2)(d), be set off in whole or part against any payment to be made under paragraph 5 or 6.

**8.—(1)** This paragraph applies—

(a) where paragraph 5 has become applicable because the person died while in full-time pensionable employment, or

(b) where he dies within 3 months after ceasing to be in such employment without having made an election under paragraph 5 or 6,

and another person (“the pensioner”) is entitled under regulation E25 to a long-term pension in respect of him.

(2) Where this paragraph applies—

- (a) the person is to be treated as having ceased to hold the employment when incapacitated,
- (b) any election that could have been made under paragraph 5 or 6 may, within 3 months after the death, be made by the pensioner, or in the case of a child by a person acting on his behalf,
- (c) if any payment due by virtue of such an election is not made within 3 months after the death the election ceases to have effect, and
- (d) a terminal sum may be set off against such a payment only to the extent that the person entitled to it consents.

## PART II

### METHOD B

9.—(1) Subject to paragraphs 10 to 12, the additional contributions consist of a lump sum of  $A \times B \times C$ , where—

A is the length of the past period, expressed in years and any fraction of a year,

B is the annual rate of the person’s contributable salary at the date on which notice of the election was given, and

C is the percentage ascertained from Table 3 below.

**TABLE 3**

| Age of date of election | Percentage |
|-------------------------|------------|
| under 23                | 29.53      |
| 23                      | 28.50      |
| 24                      | 27.47      |
| 25                      | 26.45      |
| 26                      | 25.43      |
| 27                      | 24.54      |
| 28                      | 23.77      |
| 29                      | 23.12      |
| 30                      | 22.57      |
| 31                      | 22.10      |
| 32                      | 21.67      |
| 33                      | 21.27      |
| 34                      | 20.92      |
| 35                      | 20.62      |
| 36                      | 20.37      |

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| Age of date of election | Percentage |
|-------------------------|------------|
| 37                      | 20.19      |
| 38                      | 20.05      |
| 39                      | 19.97      |
| 40                      | 19.91      |
| 41                      | 19.96      |
| 42                      | 19.84      |
| 43                      | 19.86      |
| 44                      | 19.89      |
| 45                      | 19.92      |
| 46                      | 19.96      |
| 47                      | 20.02      |
| 48                      | 20.11      |
| 49                      | 20.22      |
| 50                      | 20.36      |
| 51                      | 20.52      |
| 52                      | 20.69      |
| 53                      | 20.86      |
| 54                      | 21.04      |
| 55                      | 21.22      |
| 56                      | 21.52      |
| 57                      | 22.02      |
| 58                      | 22.72      |
| 59                      | 23.52      |
| 60                      | 24.39      |
| 61                      | 23.88      |
| 62                      | 23.37      |
| 63                      | 22.86      |
| 64                      | 22.34      |
| 65                      | 21.81      |
| 66                      | 21.29      |
| 67                      | 20.76      |
| 68                      | 20.24      |
| 69                      | 19.71      |

(2) If the lump sum is not paid within one month after the date on which the election became irrevocable under regulation C3(13) the election ceases to have effect.

**10.—**(1) Subject to paragraphs 11 and 12 and paragraph 16(3) of Schedule 10, this paragraph applies where the person's contributable salary was reduced (whether in consequence of a change of post or otherwise) within—

(a) the year, or

(b) if when notice of the election was given he had attained the age of 57, the period of 3 years, ending immediately before the date on which notice of the election was given.

(2) Where this paragraph applies, paragraph 9 has effect with the substitution as "B" of the annual rate of the contributable salary that would have been payable at that date if he had continued to be employed in the same post and on the same terms.

**11.** Where notice of the election was given on or after applying for payment of retirement benefits, paragraph 9 has effect with the substitution as "B" of the person's average salary.

**12.** Where notice of the election was given when the person was in part-time pensionable employment, the references in paragraphs 9 and 10 to contributable salary are to be construed as references to that which would have been payable if the person had at all material times been in comparable full-time employment.

## PART III

### METHOD C

**13.—**(1) The contribution period begins on the commencement date, that is to say 1st October next following the date on which notice of the principal election was given.

(2) Where at the commencement date the person has attained the age of 55, the contribution period must be one of not less than one nor more than 5 years.

(3) In any other case, the contribution period must be one of not less than one nor more than 10 years, ending on or before his 60th birthday.

(4) The contribution period and the past period must be such that at the commencement date  $A + B$  does not exceed 15% of his contributable salary, where—

A is the rate at which the additional contributions are payable, and

B is the rate at which he pays other contributions under Part C (except any treated for the purposes of regulation G2 as employer's contributions) or towards the provision of a pension otherwise than under these Regulations.

**14.—**(1) Subject to paragraph 15, the amount of the additional contributions is to be paid in equal monthly instalments.

(2) The amount of the additional contributions is  $C \times D \times E$ , where—

C is the Method B sum,

D is the number of instalments to be paid, and

E is the multiplier ascertained from, or where the contribution period is not an exact number of years by extrapolation from, the appropriate Table.

(3) Where paragraph 13(2) applies, the appropriate Table is Table 4 below.

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TABLE 4

| Range within which relevant rate of interest falls % | Contribution period in years and multiplier |        |        |        |        |
|--|---|--------|--------|--------|--------|
|  | 1   | 2      | 3      | 4      | 5      |
| 5.00—5.49  | 0.0860                                      | 0.0443 | 0.0304 | 0.0235 | 0.0194 |
| 5.50—5.99  | 0.0863                                      | 0.0445 | 0.0306 | 0.0237 | 0.0196 |
| 6.00—6.49  | 0.0865                                      | 0.0448 | 0.0309 | 0.0239 | 0.0198 |
| 6.50—6.99  | 0.0867                                      | 0.0450 | 0.0311 | 0.0242 | 0.0200 |
| 7.00—7.49  | 0.0869                                      | 0.0452 | 0.0313 | 0.0244 | 0.0203 |
| 7.50—7.99  | 0.0872                                      | 0.0454 | 0.0315 | 0.0246 | 0.0205 |
| 8.00—8.49  | 0.0874                                      | 0.0456 | 0.0318 | 0.0249 | 0.0207 |
| 8.50—8.99  | 0.0876                                      | 0.0459 | 0.0320 | 0.0251 | 0.0210 |
| 9.00—9.49  | 0.0878                                      | 0.0461 | 0.0322 | 0.0253 | 0.0212 |
| 9.50—9.99  | 0.0881                                      | 0.0463 | 0.0324 | 0.0256 | 0.0214 |
| 10.00—10.49  | 0.0883                                      | 0.0465 | 0.0327 | 0.0258 | 0.0217 |
| 10.50—10.99  | 0.0885                                      | 0.0468 | 0.0329 | 0.0260 | 0.0219 |
| 11.00—11.49  | 0.0887                                      | 0.0470 | 0.0331 | 0.0263 | 0.0222 |
| 11.50—11.99  | 0.0890                                      | 0.0472 | 0.0334 | 0.0265 | 0.0224 |
| 12.00—12.49  | 0.0892                                      | 0.0474 | 0.0336 | 0.0267 | 0.0226 |
| 12.50—12.99  | 0.0894                                      | 0.0476 | 0.0338 | 0.0270 | 0.0229 |
| 13.00—13.49  | 0.0896                                      | 0.0479 | 0.0340 | 0.0272 | 0.0231 |
| 13.50—13.99  | 0.0898                                      | 0.0481 | 0.0343 | 0.0274 | 0.0234 |
| 14.00—14.49  | 0.0901                                      | 0.0483 | 0.0345 | 0.0277 | 0.0236 |
| 14.50—14.99  | 0.0903                                      | 0.0485 | 0.0347 | 0.0279 | 0.0239 |
| 15.00—15.49  | 0.0905                                      | 0.0488 | 0.0350 | 0.0282 | 0.0241 |
| 15.50—15.99  | 0.0907                                      | 0.0490 | 0.0352 | 0.0284 | 0.0244 |
| 16.00—16.49  | 0.0910                                      | 0.0492 | 0.0354 | 0.0287 | 0.0246 |
| 16.50—16.99  | 0.0912                                      | 0.0494 | 0.0357 | 0.0289 | 0.0249 |
| 17.00—17.49  | 0.0914                                      | 0.0497 | 0.0359 | 0.0291 | 0.0251 |
| 17.50—17.99  | 0.0916                                      | 0.0499 | 0.0361 | 0.0294 | 0.0255 |
| 18.00—18.49  | 0.0919                                      | 0.0501 | 0.0364 | 0.0296 | 0.0257 |
| 18.50—18.99  | 0.0921                                      | 0.0504 | 0.0366 | 0.0299 | 0.0260 |
| 19.00—19.49  | 0.0923                                      | 0.0506 | 0.0369 | 0.0301 | 0.0262 |
| 19.50—19.99  | 0.0925                                      | 0.0508 | 0.0371 | 0.0304 | 0.0265 |



(4) In any other case, the appropriate Table is Table 5 below.

**TABLE 5**

| Range within which relevant rate of interest falls % | Contribution period in years and multiplier |        |        |        |        |
|--|---|--------|--------|--------|--------|
|  | 1   | 2      | 3      | 4      | 5      |
| 5.00—5.49  | 0.0859                                      | 0.0441 | 0.0302 | 0.0233 | 0.0192 |
| 5.50—5.99  | 0.0861                                      | 0.0444 | 0.0305 | 0.0235 | 0.0194 |
| 6.00—6.49  | 0.0863                                      | 0.0446 | 0.0307 | 0.0238 | 0.0196 |
| 6.50—6.99  | 0.0865                                      | 0.0448 | 0.0309 | 0.0240 | 0.0198 |
| 7.00—7.49  | 0.0868                                      | 0.0450 | 0.0311 | 0.0242 | 0.0201 |
| 7.50—7.99  | 0.0870                                      | 0.0452 | 0.0314 | 0.0244 | 0.0203 |
| 8.00—8.49  | 0.0872                                      | 0.0455 | 0.0316 | 0.0247 | 0.0205 |
| 8.50—8.99  | 0.0874                                      | 0.0457 | 0.0318 | 0.0249 | 0.0208 |
| 9.00—9.49  | 0.0877                                      | 0.0459 | 0.0320 | 0.0251 | 0.0210 |
| 9.50—9.99  | 0.0879                                      | 0.0461 | 0.0323 | 0.0254 | 0.0212 |
| 10.00—10.49  | 0.0881                                      | 0.0463 | 0.0325 | 0.0256 | 0.0215 |
| 10.50—10.99  | 0.0883                                      | 0.0466 | 0.0327 | 0.0258 | 0.0217 |
| 11.00—11.49  | 0.0886                                      | 0.0468 | 0.0329 | 0.0260 | 0.0220 |
| 11.50—11.99  | 0.0888                                      | 0.0470 | 0.0332 | 0.0263 | 0.0222 |
| 12.00—12.49  | 0.0890                                      | 0.0472 | 0.0334 | 0.0265 | 0.0224 |
| 12.50—12.99  | 0.0892                                      | 0.0475 | 0.0336 | 0.0268 | 0.0227 |
| 13.00—13.49  | 0.0894                                      | 0.0477 | 0.0338 | 0.0270 | 0.0229 |
| 13.50—13.99  | 0.0897                                      | 0.0479 | 0.0341 | 0.0272 | 0.0232 |
| 14.00—14.49  | 0.0899                                      | 0.0481 | 0.0343 | 0.0275 | 0.0234 |
| 14.50—14.99  | 0.0901                                      | 0.0484 | 0.0345 | 0.0277 | 0.0237 |
| 15.00—15.49  | 0.0903                                      | 0.0486 | 0.0348 | 0.0279 | 0.0237 |
| 15.50—15.99  | 0.0906                                      | 0.0488 | 0.0350 | 0.0282 | 0.0242 |
| 16.00—16.49  | 0.0908                                      | 0.0490 | 0.0352 | 0.0284 | 0.0244 |
| 16.50—16.99  | 0.0910                                      | 0.0493 | 0.0355 | 0.0287 | 0.0247 |
| 17.00—17.49  | 0.0912                                      | 0.0495 | 0.0357 | 0.0289 | 0.0249 |
| 17.50—17.99  | 0.0914                                      | 0.0497 | 0.0359 | 0.0292 | 0.0252 |
| 18.00—18.49  | 0.0917                                      | 0.0499 | 0.0362 | 0.0294 | 0.0254 |
| 18.50—18.99  | 0.0919                                      | 0.0502 | 0.0364 | 0.0296 | 0.0257 |

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| Range within which relevant rate of interest falls % | Contribution period in years and multiplier |        |        |        |        |
|--|---|--------|--------|--------|--------|
|  | 1   | 2      | 3      | 4      | 5      |
| 19.00—19.49  | 0.0921                                      | 0.0504 | 0.0366 | 0.0299 | 0.0259 |
| 19.50—19.99  | 0.0923                                      | 0.0506 | 0.0369 | 0.0301 | 0.0262 |

**TABLE 5**

(continued)

| Range within which relevant rate of interest falls % | Contribution period in years and multiplier |        |        |        |        |
|--|---|--------|--------|--------|--------|
|  | 6   | 7      | 8      | 9      | 10     |
| 5.00—5.49  | 0.0164                                      | 0.0144 | 0.0130 | 0.0118 | 0.0109 |
| 5.50—5.99  | 0.0166                                      | 0.0147 | 0.0132 | 0.0121 | 0.0112 |
| 6.00—6.49  | 0.0168                                      | 0.0149 | 0.0135 | 0.0123 | 0.0114 |
| 6.50—6.99  | 0.0171                                      | 0.0151 | 0.0137 | 0.0126 | 0.0117 |
| 7.00—7.49  | 0.0173                                      | 0.0154 | 0.0139 | 0.0128 | 0.0119 |
| 7.50—7.99  | 0.0176                                      | 0.0156 | 0.0142 | 0.0131 | 0.0122 |
| 8.00—8.49  | 0.0178                                      | 0.0159 | 0.0144 | 0.0133 | 0.0125 |
| 8.50—8.99  | 0.0180                                      | 0.0161 | 0.0147 | 0.0136 | 0.0127 |
| 9.00—9.49  | 0.0183                                      | 0.0164 | 0.0149 | 0.0139 | 0.0130 |
| 9.50—9.99  | 0.0185                                      | 0.0166 | 0.0152 | 0.0141 | 0.0133 |
| 10.00—10.49  | 0.0188                                      | 0.0169 | 0.0155 | 0.0144 | 0.0135 |
| 10.50—10.99  | 0.0190                                      | 0.0171 | 0.0157 | 0.0147 | 0.0138 |
| 11.00—11.49  | 0.0193                                      | 0.0174 | 0.0160 | 0.0149 | 0.0141 |
| 11.50—11.99  | 0.0195                                      | 0.0176 | 0.0162 | 0.0152 | 0.0144 |
| 12.00—12.49  | 0.0198                                      | 0.0179 | 0.0165 | 0.0155 | 0.0146 |
| 12.50—12.99  | 0.0200                                      | 0.0181 | 0.0168 | 0.0158 | 0.0149 |
| 13.00—13.49  | 0.0203                                      | 0.0184 | 0.0170 | 0.0160 | 0.0152 |
| 13.50—13.99  | 0.0205                                      | 0.0187 | 0.0173 | 0.0163 | 0.0155 |
| 14.00—14.49  | 0.0208                                      | 0.0189 | 0.0176 | 0.0166 | 0.0158 |
| 14.50—14.99  | 0.0210                                      | 0.0192 | 0.0179 | 0.0169 | 0.0161 |
| 15.00—15.49  | 0.0213                                      | 0.0195 | 0.0181 | 0.0172 | 0.0164 |

| Range within which relevant rate of interest falls % | Contribution period in years and multiplier |        |        |        |        |
|--|---|--------|--------|--------|--------|
|  | 6   | 7      | 8      | 9      | 10     |
| 15.50—15.99  | 0.0215                                      | 0.0197 | 0.0184 | 0.0174 | 0.0167 |
| 16.00—16.49  | 0.0218                                      | 0.0200 | 0.0187 | 0.0177 | 0.0170 |
| 16.50—16.99  | 0.0221                                      | 0.0202 | 0.0190 | 0.0180 | 0.0173 |
| 17.00—17.49  | 0.0223                                      | 0.0205 | 0.0193 | 0.0183 | 0.0176 |
| 17.50—17.99  | 0.0226                                      | 0.0208 | 0.0195 | 0.0186 | 0.0179 |
| 18.00—18.49  | 0.0228                                      | 0.0311 | 0.0198 | 0.0189 | 0.0182 |
| 18.50—18.99  | 0.0231                                      | 0.0214 | 0.0201 | 0.0192 | 0.0185 |
| 19.00—19.49  | 0.0234                                      | 0.0216 | 0.0204 | 0.0195 | 0.0188 |
| 19.50—19.99  | 0.0236                                      | 0.0219 | 0.0207 | 0.0198 | 0.0191 |

(5) The relevant rate of interest is the average gross redemption yield described in sub-paragraph (6) on the last 1st August before the date on which the election became irrevocable under regulation C3(13) or, if The Stock Exchange was not then open, on the last day on which it had been open.

(6) The average gross redemption yield is that computed and designated jointly by the Financial Times, the Institute of Actuaries and the Faculty of Actuaries as that appropriate to British Government high-coupon 5-year stocks.

**15.—**(1) Subject to sub-paragraphs (2) and (3) (and having regard to paragraph 1(2)), if the person—

- (a) before the end of the contribution period ceases to be in full-time pensionable employment, and
- (b) does not again enter such employment within one month and before becoming entitled to payment of retirement benefits,

the principal election ceases to have effect.

(2) Unless he receives a refund of contributions under regulation C10, he may by giving written notice to the Secretary of State within 3 months after the end of his employment elect to complete payment of the additional contributions (so that regulation D3(1)(b) will apply instead of regulation D3(2)) by making a lump sum payment under this paragraph.

(3) The amount of the payment is, subject to paragraph 3 of Schedule 3, the actuarial equivalent, when the employment ended, of the additional contributions that would have been payable for the remainder of the contribution period.

(4) If the payment is not made within 3 months after the end of the person's employment the election ceases to have effect.

(5) A lump sum payable under this paragraph may be set off against any retirement lump sum to which the person is entitled.

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## PART IV

### METHOD D

**16.—**(1) Where the person has not attained the age of 60 when he ceases to be in pensionable employment, the additional contributions consist of a lump sum which is the actuarial equivalent of the actual or prospective increase in benefits attributable to his becoming entitled to count the past period as reckonable service under regulation D3.

(2) In any other case, the additional contributions consist of a lump sum calculated in accordance with paragraph 9(1) but with the substitution as B of his average salary.

(3) A lump sum payable under this paragraph may be set off against any retirement lump sum to which the person is entitled.

## SCHEDULE 5

Regulation C5

### ADDITIONAL CONTRIBUTIONS FOR PAST PERIOD UNDER EARLIER PROVISIONS

## PART I

**1.—**(1) Subject to sub-paragraphs (2) to (5) and paragraphs 2 and 3, where immediately before 1st November 1988 contributions remained to be paid under regulation 26 of the 1976 Regulations (contributions payable by “Method 1”), they are to continue to be paid at the rate at which, and until the end of the period during which, they were then payable; and during any period of contribution for a current period under regulation C8 they are to be paid direct to the Secretary of State.

(2) Subject to sub-paragraphs (3) to (5), the person paying the contributions may at any time elect to pay them at a higher rate.

(3) The higher rate must be an integral percentage, not in any case exceeding 9, of his contributable salary.

(4) If he is paying other additional contributions under Part C, sub-paragraph (3) has effect with the substitution for “9” of the number obtained by deducting from 9 the percentage rate of those other contributions.

(5) An election under this paragraph—

- (a) must be made by giving written notice to the Secretary of State, and
- (b) has effect from the next anniversary of the date from which the contributions became payable at the previous rate.

**2.** Where an election has been made under paragraph 1 the period during which the contributions are to be paid is shortened to the same extent as it would have been if they had continued to be payable under regulation 26 of the 1976 Regulations.

**3.** If before all the contributions payable under paragraph 1 or 2 have been paid the person ceases to be in full-time pensionable employment or dies in such employment, paragraphs 5 to 8 of Schedule 4 (election to pay a lump sum etc.) and paragraphs 1 and 2 of Schedule 7 (reckonable service) apply as if the contributions had been payable under regulation C3, but with the substitution for Table 2 in paragraph 5(5) of Schedule 4 of the Table below.

**TABLE**

| Years remaining in contribution period | Multiplier |
|--|------------|
| 1                                      | 0.990      |
| 2                                      | 1.961      |
| 3                                      | 2.913      |
| 4                                      | 3.846      |
| 5                                      | 4.760      |
| 6                                      | 5.657      |
| 7                                      | 6.536      |
| 8                                      | 7.398      |
| 9                                      | 8.244      |
| 10                                     | 9.072      |
| 11                                     | 9.884      |
| 12                                     | 10.681     |
| 13                                     | 11.461     |
| 14                                     | 12.227     |
| 15                                     | 12.977     |
| 16                                     | 13.713     |
| 17                                     | 14.434     |
| 18                                     | 15.141     |
| 19                                     | 15.835     |
| 20                                     | 16.514     |

**4.—**(1) Subject to sub-paragraph (2) and paragraph 5, where immediately before 1st November 1988 contributions remained to be paid under regulation 28 of the 1976 Regulations (contributions payable by “Method 3”), they are to continue to be paid until the end of the period for which they were then payable (“the contribution period”).

(2) The contributions are to be paid only while the person—

- (a) is in full-time pensionable employment, or
- (b) is paying additional contributions for a current period under regulation C8.

**5.—**(1) If before the end of the contribution period the contributions payable under paragraph 4 cease to be payable otherwise than by reason of the person's—

- (a) dying, or
- (b) becoming incapacitated before attaining the age of 60,

he may by giving written notice to the Secretary of State within 3 months after the cessation elect to complete payment of the additional contributions by making a lump sum payment under this paragraph.

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(2) Subject to paragraph 3 of Schedule 3, the amount of the payment is the total of the contributions that would have been payable for the remainder of the contribution period.

(3) A lump sum payable under this paragraph may, if he agrees, be set off against any retirement lump sum to which the person is entitled.

## PART II

6.—(1) Subject to sub-paragraph (2), where immediately before 1st November 1988 contributions remained to be paid by virtue of regulation 29 of the 1976 Regulations (certain contributions first paid before 1973), they are to continue to be paid as if the 1976 Regulations had not been revoked.

(2) If the person paying the contributions elects to pay additional contributions for a past period under regulation C3, sub-paragraph (1) ceases to apply when he begins to pay those additional contributions.

### SCHEDULE 6

Regulations C9, E26

#### FAMILY BENEFITS

### PART I

#### CONTRIBUTIONS: MEN AND UNMARRIED WOMEN

##### 1.—(1) In this Part—

“the Fund” means the Teachers' Family Benefits Fund established by regulation 15 of the 1966 Regulations and continued by regulation 15 of the 1970 Regulations;

“member” means a man who—

- (a) has been in pensionable employment at any time after 31st March 1972, and
- (b) immediately before 1st April 1972 had service counting for benefit within the meaning of regulation 40 of the 1970 Regulations, and
- (c) has not received a repayment of contributions paid by him under the 1966 Regulations or the 1970 Regulations; and

“non-member” means a man, other than a member, who—

- (a) has been in pensionable employment at any time after 31st March 1972, and
- (b) is entitled to count a period that ended before 1st April 1972 as reckonable service.

(2) A member's normal contributions are the contributions paid by him under regulation 27 of the 1966 Regulations or regulation 27 of the 1970 Regulations, and his normal service is the period in respect of which he paid them.

(3) A member's additional contributions are any contributions paid by him under regulation 28 of the 1966 Regulations or under regulation 28 or 29 of the 1970 Regulations, and the additional period is the period in respect of which he elected to pay them.

(4) A member's deemed normal service is two thirds of any service before 1st April 1972 in respect of which the full amount of normal contributions was held in the Fund immediately before that date.

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(5) A member's deemed additional service is—

$$\frac{A \times B}{C}$$

where—

A is the factor ascertained from Table 1 below,

B is the amount of the additional contributions held in the Fund immediately before 1st April 1972, and

C is the annual rate of his salary at that time.

**TABLE 1**

| Age at last birthday before 1st April 1972 | Factor |
|--|--------|
| 18   | 23.8   |
| 19   | 26.5   |
| 20   | 29.1   |
| 21   | 31.6   |
| 22   | 34.0   |
| 23   | 36.2   |
| 24   | 38.3   |
| 25   | 40.3   |
| 26   | 42.2   |
| 27   | 44.0   |
| 28   | 45.7   |
| 29   | 47.3   |
| 30   | 48.8   |
| 31   | 50.2   |
| 32   | 51.5   |
| 33   | 52.7   |
| 34   | 53.8   |
| 35   | 54.7   |
| 36   | 55.3   |
| 37   | 55.6   |
| 38   | 55.8   |
| 39   | 55.9   |
| 40   | 55.9   |
| 41   | 55.8   |
| 42   | 55.6   |
| 43   | 55.3   |

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| Age at last birthday before 1st April 1972 | Factor |
|--|--------|
| 44   | 55.1   |
| 45   | 54.9   |
| 46   | 54.8   |
| 47   | 54.7   |
| 48   | 54.6   |
| 49   | 54.5   |
| 50   | 54.5   |
| 51   | 54.4   |
| 52   | 54.4   |
| 53   | 54.3   |
| 54   | 54.3   |
| 55   | 54.2   |
| 56   | 54.2   |
| 57   | 54.1   |
| 58   | 54.1   |
| 59   | 54.0   |
| 60 and over                                | 54.0   |

(6) A member's credited service is 165.6 per cent of the total of his deemed normal service and any deemed additional service.

(7) References in this Part to "Method I", "Method II" and "Method III" are references to the Methods so designated in the 1966 Regulations and the 1970 Regulations.

2. Paragraphs 3 and 4 have effect subject to paragraph 5.

3.—(1) Subject to sub-paragraph (3), a member who elected to pay additional contributions by Method I or Method II may elect to pay family benefit contributions in respect of all or part of a period not exceeding in length the difference between his credited service and the total of the additional period and his normal service.

(2) Subject to sub-paragraph (3), a member who elected to pay additional contributions by Method III may by an election under this paragraph—

- (a) revoke the earlier election, or
- (b) revoke the earlier election and elect to pay family benefit contributions in respect of the additional period, or part of it, or
- (c) vary the earlier election so as to relate to part only of the additional period and elect to pay family benefit contributions in respect of the remaining part.

(3) The period in respect of which a member elects to pay family benefit contributions as mentioned in sub-paragraph (1) or (2) is not to exceed—

$$A - \left\lceil B + \frac{5 \times (C - B)}{6} \right\rceil$$



where—

A is the length of reckonable service attributable to any period that ended before 1st April 1972,

B is the total length of his normal service and the additional period, and

C is the length of his credited service.

(4) A member may elect to pay family benefit contributions in respect of all or part of any period in respect of which he could have elected, but did not elect, to pay additional contributions.

4. A non-member or an unmarried woman may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period that ended before 1st April 1972.

5.—(1) A man who has become entitled to payment of retirement benefits may not make an election under paragraph 3 or 4.

(2) An election under paragraph 3 or 4 must—

- (a) be made by giving written notice to the Secretary of State within the period specified in sub-paragraphs (3) to (7),
- (b) specify the period in respect of which it is made, and
- (c) specify the rate at which family benefit contributions are to be paid, which must comply with paragraph 14(2) and (3),

has effect from the date on which the notice is received by the Secretary of State, and, except as provided in paragraph 14(4), is irrevocable.

(3) Subject to sub-paragraph (4), a man may only make an election under paragraph 3 or 4 within 6 months after—

- (a) his marriage while in pensionable employment, or
- (b) his returning to pensionable employment after becoming married while not in such employment, or
- (c) where sub-paragraph (4) had become applicable, his returning to pensionable employment after ceasing to be in such employment within 6 months after the previous return, or
- (d) his nomination of a beneficiary under regulation E22,

whichever occurs first.

(4) An election under paragraph 3 or 4 may be made by—

- (a) a member who was not continuously in pensionable employment for 6 months or more after 30th April 1974 and before 1st January 1977, or
- (b) a non-member who was not continuously in pensionable employment for 6 months or more after 26th June 1973 and before 1st January 1977,

only within 6 months after returning to pensionable employment.

(5) A woman may only make an election under paragraph 4 within 6 months after nominating a beneficiary.

6.—(1) Where a person has made an election under paragraph 3(2) or (4) or paragraph 4 the period during which, subject to paragraph 14(7) to (10), the family benefit contributions are to be paid (“the payment period”) is to be ascertained from, or where the period in respect of which the election was made is not an exact number of years by extrapolation from, Table 2 below.

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**TABLE 2**

| Age on date from which contributions are payable | Period in years for which contributions are to be paid in respect of each year of election period |      |      |      |      |      |       |       |       |
|--|---|------|------|------|------|------|-------|-------|-------|
| Rate of contributions                            | 1%  | 2%   | 3%   | 4%   | 5%   | 6%   | 7%    | 8%    | 9%    |
| 27 and under                                     | 2.90  | 1.45 | 0.97 | 0.73 | 0.58 | 0.48 | 0.41  | 0.36  | 0.32  |
| 28—37  | 2.95  | 1.48 | 0.98 | 0.74 | 0.59 | 0.49 | 0.42  | 0.37  | 0.33  |
| 38—42  | 3.00  | 1.50 | 1.00 | 0.75 | 0.60 | 0.50 | 0.43  | 0.375 | 0.335 |
| 43—47  | 3.05  | 1.52 | 1.02 | 0.76 | 0.61 | 0.51 | 0.435 | 0.38  | 0.34  |
| 48 and over                                      | 3.10  | 1.55 | 1.03 | 0.77 | 0.62 | 0.52 | 0.44  | 0.39  | 0.345 |

(2) Where a man has made an election under paragraph 3(1) the payment period is, subject to paragraph 14(7) to (10), 6—5ths of the period ascertained in accordance with sub-paragraph (1).

7.—(1) This paragraph applies where a member who elected to pay additional contributions by Method III has not revoked that election, and he—

- (a) dies in pensionable employment leaving a widow or having nominated a beneficiary under regulation E22, or
- (b) becomes qualified for retirement benefits while married or after nominating a beneficiary.

(2) Where this paragraph applies there is to be deducted from the appropriate terminal sum an amount of—

$$\frac{A \times B}{100} \times \frac{5 \times C}{5}$$

where—

A is the member's average salary,

B is the factor ascertained from Table 3 below, and

C is the period calculated in accordance with sub-paragraph (3).

**TABLE 3**

| Age         | Factor |
|-------------|--------|
| 39 or under | 3.5    |
| 40 to 49    | 3.4    |
| 50          | 3.3    |
| 51          | 3.3    |

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| Age         | Factor |
|-------------|--------|
| 52          | 3.3    |
| 53          | 3.2    |
| 54          | 3.2    |
| 55          | 3.2    |
| 56          | 3.1    |
| 57          | 3.1    |
| 58          | 3.1    |
| 59          | 3.0    |
| 60          | 3.0    |
| 61          | 3.0    |
| 62          | 3.0    |
| 63 and over | 2.9    |

(3) The period is (D+E)–(F+G+H), where—

D is the additional period in respect of which he elected to pay contributions by Method III, together with any additional period for which he elected to pay contributions by Method I or II,

E is his normal service,

F is his credited service,

G is any period or periods for which he has elected to pay family benefit contributions under paragraph 3, and

H is any additional period in respect of which he elected to pay contributions by Method I or II, less his credited service in respect of deemed additional service attributable to contributions so paid, and less any period for which he has elected under paragraph 3(1) to pay family benefit contributions.

8.—(1) Subject to sub-paragraphs (2) and (3), a member or non-member who—

(a) is not in pensionable employment and has become entitled to payment of retirement benefits, and

(b) would otherwise have been able to make an election under paragraph 3 or 4,

may make a corresponding election under this paragraph.

(2) An election under this paragraph—

(a) must be made by giving written notice to the Secretary of State within 6 months after the date on which the man became entitled to payment of retirement benefits,

(b) must specify the period in respect of which it is made, and

(c) is irrevocable.

(3) The family benefit contributions payable as a result of an election under this paragraph consist of a lump sum of—

$$\frac{A}{100} \times (B \times C)$$

where—

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A is the annual rate at which his contributable salary was last payable,

B is the length, expressed in years and any fraction of a year, of the period in respect of which the election was made, and

C is the factor ascertained from Table 4 below,

but where the election made corresponds to one that could have been made under paragraph 3(1), B is reduced by #th.

**TABLE 4**

| <i>Age on date of election</i> | <i>Factor</i> |
|--------------------------------|---------------|
| 27 and under                   | 2.90          |
| 28—37                          | 2.95          |
| 38—42                          | 3.00          |
| 43—47                          | 3.05          |
| 48 and over                    | 3.10          |

9.—(1) This paragraph applies where—

- (a) a member or non-member dies before becoming entitled to payment of retirement benefits, and
- (b) he has not made an election under paragraph 3 or 4, but could still have done so if he had not died, and
- (c) he leaves a widow.

(2) Where this paragraph applies the widow may, subject to sub-paragraph (3), elect to pay family benefit contributions in respect of a period comprising all or part of so much of the deceased's reckonable service as would otherwise not count in the calculation of family benefits.

(3) An election under this paragraph—

- (a) must be made by giving written notice to the Secretary of State within 3 months after the death,
- (b) must specify the period in respect of which it is made,
- (c) must result in a total of not less than 5 years' reckonable service counting in the calculation of family benefits, and
- (d) ceases to have effect if the family benefit contributions are not paid within 3 months after its date.

(4) The family benefit contributions payable as a result of an election under this paragraph consist of a lump sum which is the actuarial equivalent of the contributions that would have been payable by the deceased if—

- (a) he had made an election under paragraph 3, or as the case may be paragraph 4, in respect of the same period, and
- (b) notice of that election had been given on the day before his death and had specified as the rate at which family benefit contributions were to be paid the maximum allowed by paragraph 14(2) and (3).

## PART II

### CONTRIBUTIONS: MARRIED WOMEN

**10.**—(1) Subject to sub-paragraph (3) and paragraph 11, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service attributable to a period—

- (a) that ended before 1st April 1972, or
- (b) for which contributions have been paid under regulation C3, C5 or C8,

or attributable to the receipt before 6th April 1988 of a transfer value.

(2) Subject to sub-paragraph (3) and paragraph 11, a woman in relation to whom the election conditions are satisfied may elect to pay family benefit contributions in respect of the whole or a part of any reckonable service not falling within sub-paragraph (1) which is attributable to a period that—

- (a) began after 31st March 1972 and ended before 6th April 1988, and
- (b) would otherwise not count in calculating any pension becoming payable to her widower.

(3) Where an election is made in respect of a part only of any service, the part must consist of one or more whole years.

(4) The election conditions are that she is married, and either—

- (a) is in pensionable employment, or
- (b) ceased after 5th April 1988 and before 1st April 1989 to be in such employment and immediately became entitled to payment of retirement benefits.

**11.**—(1) An election under paragraph 10(1) or (2)—

- (a) must be made by giving written notice to the Secretary of State within the period specified in sub-paragraphs (2) to (4),
- (b) must specify the period in respect of which it is made,
- (c) must state whether the contributions are to be paid by Method A (periodical payments) or by Method B (lump sum),
- (d) if the contributions are to be paid by Method A, must specify the rate at which they are to be paid, which must comply with paragraph 14(2) and (3),
- (e) has effect from the date on which the notice is received by the Secretary of State, and
- (f) except as provided in paragraph 14(4), is irrevocable.

(2) The period within which an election may be made is one of 6 months beginning on the relevant date.

(3) Where paragraph 10(4)(b) applies, the relevant date is 1st October 1988; in any other case, subject to sub-paragraph (4), the relevant date is the first date after 30th September 1988 on which the election conditions were or are satisfied.

(4) If during the period of 6 months beginning on that first date the election conditions ceased or cease to be satisfied, the relevant date becomes the first date on which they were or are again satisfied.

(5) A woman who could make an election under paragraph 10(2) may only make one under paragraph 10(1) if, and at the same time as, she elects under paragraph 10(2) to pay family benefit contributions in respect of the whole of the reckonable service there mentioned.

(6) Where elections are made both under paragraph 10(1) and under paragraph 10(2) they must specify the same method of payment.

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- (7) Payment may not in any case be made by Method A if—
- (a) the payment period would be less than one year, or
  - (b) the woman's pensionable employment is part-time, or
  - (c) she is not in pensionable employment.

**12.—**(1) Subject to sub-paragraph (2), where payment is to be made by Method A the payment period is to be ascertained from, or where the period in respect of which the election was made is not an exact number of years by extrapolation from, Table 5 below.

**TABLE 5**

| Rate of contributions          | Period in years for which contributions are to be paid in respect of each year of period specified in election |      |
|--------------------------------|--|------|
| Election under paragraph 10(1) | Election under paragraph 10(2)   |      |
| 1%                             | 1.45   | 0.42 |
| 2%                             | 0.69   | 0.20 |
| 3%                             | 0.46   | 0.14 |
| 4%                             | 0.33   | 0.10 |
| 5%                             | 0.27   | 0.08 |
| 6%                             | 0.22   | 0.07 |
| 7%                             | 0.18   | 0.06 |
| 8%                             | 0.16   | 0.05 |
| 9%                             | 0.14   | 0.04 |

(2) If the period ascertained in accordance with sub-paragraph (1) ("the Table period") does not end with the last day of a month, the payment period ends with the last day of the month in which the Table period ends.

(3) Where payment is to be made by Method B the lump sum payable, which must be paid within 3 months after its amount is notified by the Secretary of State, is—

- (a) for each year of service in respect of which an election was made under paragraph 10(1), 1.25 per cent, and
- (b) for each year of service in respect of which an election was made under paragraph 10(2), 0.4 per cent,

of the appropriate amount, and pro rata for any period of less than a year.

(4) The appropriate amount is—

- (a) where the woman was in pensionable employment when the election took effect, the annual rate of her contributable salary at that time, and
- (b) in any other case, her average salary.

**13.—**(1) The widower of a woman who—

- (a) died during the period beginning on 6th April 1988 and ending with 31st March 1989 without having made an election under paragraph 10, and

(b) either was in pensionable employment when she died or had ceased during that period to be in such employment,

may make a corresponding election under this paragraph.

(2) A married woman who—

(a) ceased to be in pensionable employment during the period mentioned in sub-paragraph (1), and

(b) on ceasing to be in such employment did not immediately become entitled to payment of retirement benefits,

may make a corresponding election under this paragraph if the conditions in sub-paragraph (3) are satisfied.

(3) The conditions are that—

(a) she did not again enter pensionable employment, and

(b) she has become entitled to payment of retirement benefits.

(4) Where a woman to whom sub-paragraphs (2) and (3) would otherwise have applied dies before becoming entitled to payment of retirement benefits, her widower may make a corresponding election under this paragraph.

(5) An election under this paragraph—

(a) must be made by giving written notice to the Secretary of State within the appropriate period,

(b) must specify the period in respect of which it is made, and

(c) is to be treated as an election to make payment by Method B.

(6) The appropriate period is—

(a) where sub-paragraph (1) applies, the period beginning on 1st October 1988 and ending with 31st March 1989,

(b) where sub-paragraphs (2) and (3) apply, 6 months from the date on which she became entitled to payment of retirement benefits, and

(c) where sub-paragraph (4) applies, 3 months from the date of her death.

## PART III

### CONTRIBUTIONS: COMMON PROVISIONS

14.—(1) This paragraph applies where—

(a) an election is made under paragraph 3 or 4, or

(b) an election is made under paragraph 10 to pay family benefit contributions by Method A.

(2) The rate at which family benefit contributions are to be paid, and any higher rate substituted by an election under sub-paragraph (4), must be an integral percentage, not in any case exceeding 9, of the person's contributable salary.

(3) In the case of a person who is paying additional contributions under regulation C3 or C5, or towards the provision of a pension otherwise than under these Regulations, sub-paragraph (2) has effect with the substitution for "9" of the number obtained by deducting from 9 the percentage rate of those contributions.

(4) The election may at any time be varied by an election to pay the family benefit contributions at a specified higher rate.

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(5) An election under sub-paragraph (4) must be made by giving written notice to the Secretary of State, and has effect from the first day of the month following that in which the notice is received by him.

(6) The payment period begins on the first day of the month following that in which it is notified to the person by the Secretary of State.

(7) If after the start of the payment period there is an interval of more than 30 days during which the person is not in pensionable employment or paying additional contributions under regulation C8—

- (a) the interval is not part of the payment period, but
- (b) the end of the payment period is postponed by the length of the interval.

(8) If after the start of the payment period the person becomes employed in part-time pensionable employment, the length of the payment period is increased by so much of the period of part-time employment as does not count as reckonable service.

(9) If the original election is varied by one made under sub-paragraph (4) (“the further election”) a new payment period begins on the effective date of the further election; the length of the new payment period is—

$$A - \left[ \frac{B}{C} \times D \right]$$

where—

A is what the length of the payment period would have been if the increased rate had been specified in the original election,

B is the rate specified in the original election,

C is the increased rate, and

D is the period from the start of the payment period to the effective date of the further election.

(10) The contributions—

- (a) are payable from the start of the payment period,
- (b) continue to be payable while the person is in pensionable employment or paying additional contributions under regulation C8, and
- (c) cease to be payable if he dies or becomes entitled to retirement benefits before the end of the payment period.

**15.—**(1) This paragraph—

- (a) applies where family benefit contributions to which paragraph 14 applies cease to be payable before the end of the payment period, and
- (b) has effect subject to paragraph 16.

(2) Where the person paying the contributions dies before attaining the age of 60, or (whether or not he later re-enters pensionable employment) becomes entitled to payment of retirement benefits by virtue of regulation E4(6) (incapacity)—

- (a) contributions are to be treated as having been paid in respect of the whole of the period in respect of which the election was made, but
- (b) if part of the payment period falls after his 60th birthday, the actuarial equivalent of the contributions that would have been payable during that part is to be deducted from the appropriate terminal sum.

(3) Where the person dies, or becomes entitled to payment of retirement benefits, after attaining the age of 60—



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- (a) contributions are to be treated as having been paid in respect of the whole of the period in respect of which the election was made, but
- (b) there is to be deducted from the appropriate terminal sum an amount of—

$$\left[ A \times \frac{B}{100} \right] \times C$$

where—

A is the annual rate at which his contributable salary was last payable,

B is the rate at which the contributions were last payable, and

C is the multiplier ascertained from, or if the remainder of the payment period is not an exact number of years by extrapolation from, Table 6 below.

**TABLE 6**

| Years in remainder of payment period | Multiplier |
|--------------------------------------|------------|
| 1                                    | 0.990      |
| 2                                    | 1.961      |
| 3                                    | 2.913      |
| 4                                    | 3.846      |
| 5                                    | 4.760      |
| 6                                    | 5.657      |
| 7                                    | 6.536      |
| 8                                    | 7.398      |
| 9                                    | 8.244      |
| 10                                   | 9.072      |
| 11                                   | 9.884      |
| 12                                   | 10.681     |
| 13                                   | 11.461     |
| 14                                   | 12.227     |
| 15                                   | 12.977     |
| 16                                   | 13.713     |
| 17                                   | 14.434     |
| 18                                   | 15.141     |
| 19                                   | 15.835     |
| 20                                   | 16.514     |

(4) Where the person becomes entitled to payment of retirement benefits by virtue of regulation E4(7) (redundancy, etc.)—

- (a) he may, by giving written notice to the Secretary of State within 3 months after the end of his pensionable employment, elect to pay a lump sum which is the actuarial equivalent

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of the contributions that would have been payable during the remainder of the payment period,

- (b) if he does so elect, on payment of the lump sum contributions are to be treated as having been paid in respect of the whole of the period in respect of which the original election was made, and
- (c) if he does not so elect, contributions are to be treated as having been paid in respect of—

$$D \times \frac{E}{F}$$

where—

D is the period in respect of which the original election was made,

E is the period during which contributions were paid, and

F is the payment period.

**16. Where—**

- (a) a deduction has fallen to be made under paragraph 15(2) or (3) or an election has been made under paragraph 15(4), and
- (b) there is then a retrospective increase in the person's contributable salary, and
- (c) the consequent recalculation of the amount of the deduction or lump sum and of the appropriate terminal sum results in a greater increase in the amount of the deduction or lump sum than in the terminal sum,

the person, or as the case may be his widow or widower or a beneficiary nominated under regulation E22, may notify the Secretary of State in writing that the amount of the deduction made or lump sum payable is not to be increased.

## PART IV

### FAMILY BENEFITS AND WAR SERVICE

**17.—(1)** In this Part “war service period” means a period which a person is entitled to count as reckonable service by virtue of regulation D5 or D6, and references to a person's being notified are to his being notified of the Secretary of State's determination of a claim made under regulation D5 or D6.

**(2)** This Part does not apply—

- (a) if the person's family benefit service does not include all periods counting as reckonable service otherwise than by virtue of regulation D5 or D6, or
- (b) if his war service period counts by virtue of regulation D5, his qualifying service for the purposes of that regulation was fire service or police service or Northern Ireland fire service or police service, and he died before 1st April 1975, or
- (c) if his war service period counts by virtue of regulation D5, his qualifying service was National Health service or service in health and personal social services in Northern Ireland, and he died before 17th July 1975, or
- (d) if his war service period counts by virtue of regulation D5, his qualifying service was local government service or Northern Ireland local government service, and he died before 1st April 1978.

**18.—**(1) Subject to paragraph 21, a person who was notified before becoming entitled to payment of retirement benefits may, by giving written notice to the Secretary of State within 3 months after the relevant date, elect that his war service period is to be included in his family benefit service.

(2) The relevant date—

- (a) if he applied for payment of retirement benefits before becoming entitled to payment of them and before being notified, is the date on which he was notified, and
- (b) in any other case, is the date on which he applied for payment of retirement benefits.

**19.** Subject to paragraph 21, a person who was notified after becoming entitled to payment of retirement benefits may, by giving written notice to the Secretary of State within 6 months after the date on which he was notified, elect that his war service period is to be included in his family benefit service.

**20.—**(1) If an election is made under paragraph 18 or 19 an additional contribution equal to the actuarial value of the war service period at 1st April 1978 becomes payable.

(2) In the case of an election under paragraph 18 the additional contribution is to be deducted from the appropriate terminal sum.

(3) In the case of an election under paragraph 19 the additional contribution may, without prejudice to any other method of recovery, be deducted from any death grant under regulation E19.

**21.—**(1) If the person—

- (a) died before 15th February 1982, or
- (b) has died before being notified, or
- (c) has died after being notified and without having made an election under paragraph 18 or 19 but while still entitled to do so,

paragraphs 18 to 20 do not apply but 2rds of his war service period is included in his family benefit service.

(2) If the person died before 15th February 1982 this paragraph does not apply so as to reduce the amount of any family benefit.

## SCHEDULE 7

Regulation D3

### UNCOMPLETED PAYMENT OF ADDITIONAL CONTRIBUTIONS

**1.—**(1) This paragraph applies where a person paying additional contributions for a past period in accordance with Part I of Schedule 4—

- (a) ceases to be in full-time pensionable employment before the end of the period during which they were to be paid (“the contribution period”), and
- (b) does not again enter such employment within one month and before becoming entitled to payment of retirement benefits,

and no lump sum payment is made under paragraph 5, 6 or 8 of Schedule 4.

(2) In this paragraph, subject to sub-paragraph (5), A is the past period and B is the contribution period.

(3) Subject to sub-paragraphs (4) and (5), the person is entitled to count as reckonable service—

$$A \times \frac{C}{B}$$

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where

C is so much of B as had elapsed when the pensionable employment ended.

(4) Subject to sub-paragraph (5), if when the pensionable employment ended he was incapacitated and had not attained the age of 60, he is entitled to count as reckonable service—

(a) where the contribution period would not have expired before he attained that age—

$$A \times \frac{D}{B}$$

where

D is the period from the start of B to his 60th birthday, or

(b) in any other case, A.

(5) If he had elected under paragraph 4 of Schedule 4 to shorten the contribution period—

(a) he is in any case entitled to count as reckonable service—

$$A \times \frac{F}{E}$$

where

E is the original contribution period and F is so much of it as had elapsed by the effective date of the election, and

(b) sub-paragraphs (3) and (4) have effect with the substitution—

(i) as A, of

$$A - \left\lfloor \frac{A \times F}{E} \right\rfloor,$$

(ii) as B, of the shortened contribution period,

(iii) as C, of so much of the shortened contribution period as had elapsed when the pensionable employment ended, and

(iv) as D, of the period from the effective date of the election to his 60th birthday.

**2.—(1)** This paragraph applies where a lump sum equal to the retirement lump sum that would otherwise have been receivable is paid under paragraph 6 or 8 of Schedule 4.

(2) Where this paragraph applies, the person is entitled to count as reckonable service—

(a) the period he would have been entitled to count under paragraph 1 if the lump sum had not been paid, and

(b) a period of

$$\frac{A}{B - 3 \times D} \text{ years,}$$

$$\frac{C}{80}$$

where—

A is the retirement lump sum,

B is the lump sum that would have been payable under paragraph 5 of Schedule 4,

C is so much of the past period as he is not entitled to count under (a) above, and

D is his average salary.

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**3.—**(1) This paragraph applies where a person paying additional contributions for a past period in accordance with Part III of Schedule 4—

- (a) ceases to be in full-time pensionable employment before the end of the contribution period, and
- (b) does not again enter such employment within one month and before becoming entitled to payment of retirement benefits,

and no lump sum payment is made under paragraph 15 of Schedule 4.

(2) Subject to sub-paragraph (4), the person is entitled to count as reckonable service—

$$A \times \frac{C}{B}$$

where—

A is the past period,

B is the contribution period, and

C is so much of B as had elapsed when the pensionable employment ended.

(3) This sub-paragraph applies where—

- (a) when the pensionable employment ended the person was incapacitated and had not attained the age of 60, or
- (b) he died while in the pensionable employment, or
- (c) he dies within 3 months after the end of the pensionable employment without having made an election under paragraph 15 of Schedule 4.

(4) Where sub-paragraph (3) applies—

- (a) if when the pensionable employment ended at least one year of the contribution period had elapsed, he is entitled to count the whole of the past period as reckonable service, and
- (b) in any other case, he is not entitled to count any period as reckonable service and the additional contributions paid are to be refunded.

**4.—**(1) This paragraph applies where a person is continuing to pay contributions in accordance with paragraph 4 of Schedule 5 and—

- (a) before the end of the contribution period they cease to be payable, and
- (b) he does not make a lump sum payment under paragraph 5 of Schedule 5.

(2) Subject to sub-paragraph (3), the person is entitled to count as reckonable service—

$$A \times \frac{B}{C}$$

where—

A is the period in respect of which the contributions were being paid,

B is the number of instalments he has paid, and

C is the number of instalments he would have paid if the contributions had not ceased to be payable.

(3) Where the contributions cease to be payable by reason of his—

- (a) dying, or
- (b) becoming incapacitated before attaining the age of 60,

he is entitled to count as reckonable service the whole of the period in respect of which the contributions were being paid.

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5.—(1) This paragraph applies where a person who is, in accordance with paragraph 6(1) of Schedule 5, continuing to pay contributions which he began to pay before 1973—

- (a) before attaining the age of 60 ceases to be in pensionable employment, and
- (b) does not then become entitled to payment of retirement benefits under regulation E4(6) (incapacity) or to a short service incapacity grant under regulation E17.

(2) The person is entitled to count as reckonable service—

$$A \times \frac{B}{C}$$

where—

A is the period in respect of which the contributions were being paid,

B is the period during which they were paid, and

C is the period from the start of B to his 60th birthday.

## SCHEDULE 8

Regulations D5, D6

### WAR SERVICE

#### PART I

#### QUALIFYING SERVICE

| Qualifying Service   | Condition  | Meaning of war service   |
|--|--|--|
| Fire service, that is to say, service pensionable in pursuance of the Firemen's Pension Scheme from time to time in force under section 26 of the Fire Services Act 1947(78).          | Immediately before completing his period of qualifying service the teacher was such a regular fireman as is mentioned in sub-paragraphs (a), (b) and (c) of article 6(1) of the Firemen's Pension Scheme (War Service) Order 1979(79).   | "War service" means such service within the meaning of article 4 of the said Order of 1979.          |
| Police service, that is to say, service pensionable in pursuance of regulations from time to time in force under the Police Pensions Act 1948(80) or the Police Pensions Act 1976(81). | Immediately before completing his period of qualifying service the teacher was such a regular policeman as is mentioned in sub-paragraphs (a), (b) and (c) of regulation 6(1) of the Police Pensions (War Service) Regulations 1979(82). | "War service" means such service within the meaning of regulation 4 of the said Regulations of 1979. |
| National Health service, that is to say, service pensionable   | Immediately before completing his period of qualifying   | "War service" means such service within the meaning  |

(78) 1947 c. 41.

(79) S.I. 1979/1360.

(80) 1948 c. 24.

(81) 1976 c. 35.

(82) S.I. 1979/1259.

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| Qualifying Service   | Condition   | Meaning of war service   |
|--|---|--|
| in pursuance of regulations from time to time in force under section 10 of the Superannuation Act 1972, section 67 of the National Health Service Act 1946 <sup>(83)</sup> or section 66 of the National Health Service (Scotland) Act 1947 <sup>(84)</sup> .  | service the teacher was such an officer as is mentioned in regulation 3(2) of the National Health Service (Superannuation) (War Service, etc.) Regulations 1977 <sup>(85)</sup> or, as the case maybe, of the National Health Service (Superannuation) (War Service, etc.) (Scotland) Regulations 1977 <sup>(86)</sup> .  | of regulation 2(1) of the said Regulations of 1977.  |
| Local government service, that is to say, service pensionable in pursuance of, or of regulations from time to time in force under, section 7 of the Superannuation Act 1972 <sup>(87)</sup> , the Local Government Superannuation Acts 1937 to 1953 <sup>(88)</sup> , the Local Government Superannuation (Scotland) Acts 1937 to 1953 <sup>(89)</sup> , or in pursuance of a local Act scheme (within the meaning of any of those Acts) from time to time in force. | Immediately before completing his period of qualifying service the teacher was a person with war service in relation to whom the conditions specified in regulation F3(2) and (4) to (10) of the Local Government Superannuation Regulations 1986 <sup>(90)</sup> or, as the case may be, in regulation F3(2) and (4) to (9) of the Local Government Superannuation (Scotland) Regulations 1987 <sup>(91)</sup> , were satisfied. | “War service” means such service within the meaning of regulation F2 of the said Regulations of 1986 or, as the case may be, of regulation F2 of the said Regulations of 1987. |
| Northern Ireland fire service, that is to say, service pensionable in pursuance of the Firemen’s Pension Scheme from time to time in force under section 10 of the Fire Services (Amendment) Act (Northern Ireland) 1950 <sup>(92)</sup> or section 17 of the Fire Services Act (Northern Ireland) 1969 <sup>(93)</sup> or, as respects the Belfast fire brigade, the scheme so in force under   | Immediately before completing his period of qualifying service the teacher was such a regular fireman as is mentioned in sub-paragraphs (a), (b) and (c) of article 6(1) of the Firemen’s Pension Schemes (War Service) Order (Northern Ireland) 1980 <sup>(94)</sup> .   | “War service” means such service within the meaning of article 4 of the said Order of 1980.  |

<sup>(83)</sup> 1946 c. 81.

<sup>(85)</sup> S.I. 1977/1922.

<sup>(84)</sup> 1947 c. 27.

<sup>(86)</sup> S.I. 1977/2138.

<sup>(87)</sup> 1972 c. 11.

<sup>(88)</sup> 1937 c. 68; 1939 c. 18 (in part); 1953 c. 25; partially repealed with savings by the Superannuation Act 1972, section 29 and Schedules 7, 8.

<sup>(90)</sup> S.I. 1986/24, to which there are amendments not relevant to these Regulations.

<sup>(89)</sup> 1937 c. 69; 1939 c. 18 (in part); 1953 c. 25; partially repealed with savings by the Superannuation Act 1972, section 29 and Schedules 7, 8.

<sup>(91)</sup> S.I. 1987/1850.

<sup>(92)</sup> 1950 c. 4. (N.I.).

<sup>(94)</sup> S.R. (N.I.) 1980 No. 91.

<sup>(93)</sup> 1969 c. 13 (N.I.).

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| Qualifying Service   | Condition  | Meaning of war service  |
|--|--|---|
| section 13 of the said Act of 1950 or section 26 of the said Act of 1969.  |  |   |
| Northern Ireland police service, that is to say, service pensionable in pursuance of an order or regulations from time to time in force under the Constabulary Acts (Northern Ireland) 1922 to 1949 <sup>(95)</sup> or section 25 of the Police Act (Northern Ireland) 1970 <sup>(96)</sup> .  | Immediately before completing his period of qualifying service the teacher was such a regular policeman as is mentioned in sub-paragraphs (a), (b) and (c) of regulation 6(1) of the Royal Ulster Constabulary Pensions (War Service) Regulations 1980 <sup>(97)</sup> .                               | “War service” means such service within the meaning of regulation 4 of the said Regulations of 1980.    |
| Service in health and personal social services in Northern Ireland, that is to say, service pensionable in pursuance of regulations from time to time in force under section 61 of the Health Services Act (Northern Ireland) 1948 <sup>(98)</sup> , section 67 of the Health Services Act (Northern Ireland) 1971 <sup>(99)</sup> and Schedule 8 thereto or article 12 of the Superannuation (Northern Ireland) Order 1972 <sup>(100)</sup> . | Immediately before completing his period of qualifying service the teacher was such an officer as is mentioned in regulation 3(2) of the Health Services (Superannuation) (War Service, etc.) Regulations (Northern Ireland) 1978 <sup>(101)</sup> .   | “War service” means such service within the meaning of regulation 2(1) of the said Regulations of 1978. |
| Northern Ireland local government service, that is to say, service pensionable in pursuance of provisions of or made under the Local Government (Superannuation) Acts (Northern Ireland) 1950 to 1966 <sup>(102)</sup> , article 9 of the Superannuation (Northern Ireland) Order 1972, or a local scheme within the meaning of article 10 of that Order.  | Immediately before completing his period of qualifying service the teacher was a person with war service in relation to whom the conditions specified in regulation 98(2) and (4) to (9) of the Local Government (Superannuation) Regulations (Northern Ireland) 1981 <sup>(103)</sup> were satisfied. | “War service” means such service within the meaning of regulation 97 of the said Regulations of 1981.   |

<sup>(95)</sup> 1922 c. 8 (N.I.); 1924 c. 17 (N.I.); 1928 c. 4 (N.I.); 1930 c. 18 (N.I.); 1933 c. 27 (N.I.); 1934 c. 10 (N.I.); 1944 c. 9 (N.I.); 1949 c. 9 (N.I.).

<sup>(96)</sup> 1970 c. 9 (N.I.).

<sup>(97)</sup> S.R. (N.I.) 1980 No. 334.

<sup>(98)</sup> 1948 c. 3 (N.I.).

<sup>(101)</sup> S.R. (N.I.) 1978 No. 324.

<sup>(99)</sup> 1971 c. 1 (N.I.).

<sup>(100)</sup> S.I. 1972/1073 (N.I.10).

<sup>(102)</sup> 1950 c. 10 (N.I.); 1951 c. 9 (N.I.); 1951 c. 28 (N.I.) (in part); 1966 c. 38 (N.I.) (in part); partially repealed with savings by article 23 of the Superannuation (Northern Ireland) Order 1972.

<sup>(103)</sup> S.R. (N.I.) 1981 No. 96; regulations 97 and 98 were inserted by S.R. (N.I.) 1984 No. 355 and amended by S.R. (N.I.) 1985 No. 315.



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## PART II

### AGE FACTOR

| Age in completed years on<br>1st April 1978 | Factor |        |
|---|--------|--------|
| Men   | Women  |        |
| 40  | 0.1009 | 0.1328 |
| 41  | 0.1018 | 0.1344 |
| 42  | 0.1024 | 0.1357 |
| 43  | 0.1031 | 0.1372 |
| 44  | 0.1038 | 0.1389 |
| 45  | 0.1045 | 0.1405 |
| 46  | 0.1058 | 0.1422 |
| 47  | 0.1073 | 0.1437 |
| 48  | 0.1085 | 0.1454 |
| 49  | 0.1099 | 0.1470 |
| 50  | 0.1111 | 0.1487 |
| 51  | 0.1125 | 0.1502 |
| 52  | 0.1150 | 0.1525 |
| 53  | 0.1176 | 0.1548 |
| 54  | 0.1203 | 0.1571 |
| 55  | 0.1229 | 0.1599 |
| 56  | 0.1267 | 0.1628 |
| 57  | 0.1306 | 0.1663 |
| 58  | 0.1345 | 0.1707 |
| 59  | 0.1397 | 0.1759 |
| 60  | 0.1463 | 0.1810 |
| 61  | 0.1465 | 0.1818 |
| 62  | 0.1469 | 0.1825 |
| 63  | 0.1473 | 0.1833 |
| 64  | 0.1478 | 0.1840 |
| 65  | 0.1480 | 0.1844 |
| 66  | 0.1436 | 0.1800 |
| 67  | 0.1392 | 0.1756 |
| 68  | 0.1355 | 0.1713 |
| 69  | 0.1311 | 0.1669 |

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| Age in completed years on<br>1st April 1978 | Factor |        |
|---|--------|--------|
|   | Men    | Women  |
| 70  | 0.1267 | 0.1625 |
| 71  | 0.1230 | 0.1575 |
| 72  | 0.1190 | 0.1519 |
| 73  | 0.1144 | 0.1463 |
| 74  | 0.1106 | 0.1406 |
| 75  | 0.1063 | 0.1350 |
| 76  | 0.1019 | 0.1294 |
| 77  | 0.0981 | 0.1238 |
| 78  | 0.0983 | 0.1181 |
| 79  | 0.0900 | 0.1131 |
| 80  | 0.0854 | 0.1088 |
| 81  | 0.0815 | 0.1044 |
| 82  | 0.0775 | 0.1006 |
| 83  | 0.0735 | 0.0969 |
| 84  | 0.0698 | 0.0931 |
| 85  | 0.0661 | 0.0894 |
| 86  | 0.0623 | 0.0856 |
| 87  | 0.8585 | 0.0825 |
| 88  | 0.0554 | 0.0794 |
| 89  | 0.0525 | 0.0769 |
| 90  | 0.0496 | 0.0744 |
| 91  | 0.0467 | 0.0719 |
| 92  | 0.0440 | 0.0694 |
| 93  | 0.0419 | 0.0669 |
| 94  | 0.0398 | 0.0644 |
| 95  | 0.0377 | 0.0625 |
| 96  | 0.0356 | 0.0600 |
| 97  | 0.0342 | 0.0581 |
| 98  | 0.0321 | 0.0556 |
| 99  | 0.0306 | 0.0531 |

## SCHEDULE 9

Regulation E3

### PERIODS MAKING UP QUALIFYING PERIOD

#### PART I

1. A period of pensionable employment.
2. A period counting as reckonable service by virtue of regulation D3 (which applies where additional contributions have been paid for a past period) or regulation D4 (which applies where additional contributions have been paid for a current period).
3. A period counting as admitted service or specified country service.
4. A period of service or employment in respect of which a transfer value has been received.

#### PART II

5. A period of employment in the British Islands in a university, a university college or a college of a university, or as a full-time teacher, if—
  - (a) contributions in respect of the employment were payable under the Federated System of Superannuation for Universities before 1st April 1975, and
  - (b) the person's accrued rights in respect of the employment up to that date were then transferred to the Universities Superannuation Scheme.
6. A period of employment as an inspector appointed under section 77(2) of the Education Act 1944<sup>(104)</sup>.
7. A period of employment as a civil servant, if paragraph 10 of Schedule 2 to the 1967 Regulations became applicable to the employment.
8. A period of pensionable employment in an educational capacity by the British Broadcasting Corporation.
9. A period of service as a member of the House of Commons which was reckonable service within the meaning of the Parliamentary and other Pensions Act 1972<sup>(105)</sup>.
10. A period of employment as a civil servant in England, Wales or Scotland not falling within paragraph 7.
11. A period of pensionable employment as a civil servant in Northern Ireland, the Isle of Man or the Channel Islands.
12. A period of employment which was contributory service for the purposes of the Overseas Service Pensions (Scheme and Fund) Regulations 1966<sup>(106)</sup>.
13. A period of employment as a full-time teacher, or in a capacity involving to a substantial extent the control or supervision of teachers, or as a civil servant, in a country or territory which was at any time a country specified in section 1(3) of the British Nationality Act 1948<sup>(107)</sup> or a colony within the meaning of that Act, if—

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<sup>(104)</sup> 1944 c. 31.

<sup>(105)</sup> 1972 c. 48.

<sup>(106)</sup> S.I. 1966/1629.

<sup>(107)</sup> 1948 c. 56.

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- (a) the employment was pensionable under any law for the time being in force in the country or territory, or
  - (b) the employer was the government of, or a public authority in, the country or territory and contributions in respect of the employment were payable to a provident fund.
- 14.** A period of pensionable employment in a university, a university college or a college of a university in such a country or territory as is mentioned in paragraph 13.
- 15.** A period of employment in the Republic of South Africa or in the mandated territory of South West Africa, if—
- (a) had the employment been in such a country or territory as is mentioned in paragraph 13 it would have fallen within paragraph 13 or 14, and
  - (b) at some time during the 3 months ending with 30th May 1962 the person was employed in the Republic or in the mandated territory in service which was approved external service within the meaning of section 13 of the Act of 1925<sup>(108)</sup>.
- 16.** A period of employment as a full-time teacher while holding a commission in the naval, military or air forces of the Crown or in any of the women's services that were mentioned in Schedule 4 to the Superannuation Act 1965<sup>(109)</sup>, if retired pay is being earned in respect of the employment.
- 17.** A period of employment in respect of which contributions were payable to the Social Workers' Pension Fund.
- 18.** A period of employment in respect of which contributions were payable under the Federated System of Superannuation for Universities not falling within paragraph 5.
- 19.** A period of employment by the British Council in respect of which contributions were payable under the British Council Overseas Service Pension Scheme.
- 20.** A period of employment as an officer of an employing authority within the meaning of the National Health Service (Superannuation) Regulations 1980<sup>(110)</sup>.
- 21.** A period of employment in respect of which contributions were payable under the Federated Superannuation Scheme for Nurses and Hospital Officers, if—
- (a) either the National Health Service (Superannuation) Regulations 1980 or the National Health Service (Superannuation) (Scotland) Regulations 1980<sup>(111)</sup> applied to the employment, or
  - (b) the employer was a scheduled body or a former local authority or a local Act authority, within the meaning of the Local Government Superannuation Regulations 1986<sup>(112)</sup> or the Local Government Superannuation (Scotland) Regulations 1987<sup>(113)</sup>, or
  - (c) there were applicable to the employment any regulations or scheme made under section 2 or 5A of the Local Government (Superannuation) Act (Northern Ireland) 1950<sup>(114)</sup>, under section 61 of the Health Services Act (Northern Ireland) 1948<sup>(115)</sup> or under article 12 or 14 of the Superannuation (Northern Ireland) Order 1972<sup>(116)</sup>, or
  - (d) the employment was in a civil service in the British Islands.

<sup>(108)</sup> 1925 c. 59; section 13 was repealed by the Teachers' Superannuation Act 1965 (c. 83), sections 2(1)(c) and 8.

<sup>(109)</sup> 1965 c. 74; Schedule 4 was repealed by the Superannuation Act 1972 (c. 11), section 29(4).

<sup>(110)</sup> S.I. 1980/362; relevant amendments were made by S.I. 1982/288, 1985/39.

<sup>(111)</sup> S.I. 1980/1177, to which there are amendments not relevant to these Regulations.

<sup>(112)</sup> S.I. 1986/24; relevant amendments were made by S.I. 1986/380.

<sup>(113)</sup> S.I. 1987/1850.

<sup>(114)</sup> 1950 c. 10 (N.I.).

<sup>(115)</sup> 1948 c. 3 (N.I.).

<sup>(116)</sup> S.I. 1972/1073 (N.I.10).

**22.** A period of employment to which rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948<sup>(117)</sup> (pensions of persons transferring to different employment) applied, if the person had previously been in pensionable employment.

**23.** A period of pensionable employment by an association of teachers.

**24.** A period of pensionable service as a clerk in holy orders or as a regular minister of any religious denomination.

## SCHEDULE 10

Regulations E10, H1, H2

### MODIFIED APPLICATION IN CERTAIN CASES

## PART I

### NATIONAL INSURANCE MODIFICATION OF PENSIONS

**1.** In this Part, unless the context otherwise requires—

“the Act” means the National Insurance Act 1965<sup>(118)</sup>;

“non-participating employment” has the meaning assigned to it by section 56(1) of the Act;

“part-time teacher” means a person who has elected under regulation B2 that his part-time employment is to be pensionable employment;

“retired teacher” means a person who has ceased to be in pensionable employment and has attained state pensionable age.

**2.—(1)** A retirement pension payable in the case of a retired teacher who—

(a) by virtue of the Modification Regulations or of interchange rules was subject to the modifications of the Acts of 1918 to 1956 made by those Regulations and applicable to new entrants within the meaning of those Regulations, or

(b) not being an existing teacher within the meaning of the Modification Regulations or a teacher in whose case by virtue of interchange rules those Regulations applied as they applied in the case of such an existing teacher, entered pensionable employment after 31st March 1967 and before 1st April 1980,

is reduced by an amount calculated by multiplying £1.70 by his reckonable service on or after 1st July 1948 but before 1st April 1980, expressed in years and any fraction of a year.

**(2)** In the case of a retired teacher—

(a) who was last in pensionable employment before 1st April 1980, and

(b) whose retirement pension is one to which he became entitled by virtue of regulation E4(6), any additional period of reckonable service taken into account under regulation E8(2) is deemed for the purposes of sub-paragraph (1) to be such service as is there mentioned.

**(3)** Where the retired teacher before 1st April 1980 elected for the purposes of regulation 24 of the 1976 Regulations to purchase added years, those added years are deemed for the purposes of sub-paragraph (1) to be such reckonable service as is there mentioned.

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<sup>(117)</sup> 1948 c. 33.

<sup>(118)</sup> 1965 c. 51.

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(4) Sub-paragraph (1) applies not only in the case of such a retired teacher as is there mentioned but also in the case of a retired teacher to whom paragraph 2(1) of Schedule 9 to the 1976 Regulations did not apply if the Secretary of State is satisfied that the contributions paid by him before 1st April 1980 were modified on the assumption that the said paragraph 2(1) did apply in his case.

**3.—**(1) This paragraph applies to a retired teacher who—

- (a) by virtue of the Modification Regulations or of interchange rules, was subject to the modifications of the Acts of 1918 to 1956 made by those Regulations and applicable to existing teachers within the meaning of those Regulations, or
- (b) before 1st April 1980 paid contributions at a reduced rate by virtue of an election under paragraph 2(1)(c) of Schedule 9 to the 1976 Regulations.

(2) A retirement pension payable to such a retired teacher is reduced in respect of his reckonable service after the relevant date but before 1st April 1980 by the amount calculated by multiplying by such reckonable service, expressed in years and a fraction of a year, the sum specified in column 2 (or column 3 in the case of a woman) of the Table in the Appendix to this Part opposite his age at the date of modification for the purposes of the Modification Regulations.

(3) The relevant date for the purposes of sub-paragraph (2) is—

- (a) in relation to a retired teacher to whom this paragraph applies by virtue of sub-paragraph (1)(a), the date which was in relation to him the date of modification for the purposes of the Modification Regulations, and
- (b) in relation to a retired teacher to whom this paragraph applies by virtue of sub-paragraph (1)(b), the first day of the month next following that in which the election mentioned in that sub-paragraph was made.

(4) In the case of a retired teacher—

- (a) who was last in pensionable employment before 1st April 1980, and
- (b) whose retirement pension is one to which he became entitled by virtue of regulation E4(6),

any additional period of reckonable service taken into account under regulation E8(2) is deemed for the purposes of sub-paragraph (2) to be such service as is there mentioned.

**4.** For the purposes of paragraphs 2 and 3 the reckonable service of a retired teacher is his effective reckonable service.

**5.** If, in calculating the amount of a retirement pension, there is taken into account any period of employment after 2nd April 1961 and before 6th April 1975 which was not non-participating employment the pension is, except as provided in paragraphs 7 and 8, reduced, for each year of such period, and proportionately for part of a year by the appropriate amount specified in the Table below.

**TABLE**

| Annual rate of salary during period | Reduction in retirement pension for each whole year of period |       |   |       |
|-------------------------------------|---|-------|---|-------|
|                                     | From 3rd April 1961 to 5th January 1964                       |       | From 6th January 1964 to 5th April 1975 |       |
|                                     | Men   | Women | Men                                     | Women |
| £                                   | £   | £     | £                                       |       |

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| Annual rate of salary during period | Reduction in retirement pension for each whole year of period |       |   |       |
|-------------------------------------|---|-------|---|-------|
|                                     | From 3rd April 1961 to 5th January 1964                       |       | From 6th January 1964 to 5th April 1975 |       |
|                                     | Men   | Women | Men                                     | Women |
| Not exceeding £468                  | nil   | nil   | nil                                     | nil   |
| Over £468 but not exceeding £520    | 0.19  | 0.16  | 0.19                                    | 0.16  |
| Over £520 but not exceeding £572    | 0.58  | 0.48  | 0.58                                    | 0.48  |
| Over £572 but not exceeding £624    | 0.96  | 0.80  | 0.96                                    | 0.80  |
| Over £624 but not exceeding £676    | 1.35  | 1.12  | 1.35                                    | 1.12  |
| Over £676 but not exceeding £728    | 1.73  | 1.44  | 1.73                                    | 1.44  |
| Over £728 but not exceeding £780    | 2.12  | 1.76  | 2.12                                    | 1.76  |
| Over £780 but not exceeding £832    | 2.31  | 1.92  | 2.51                                    | 2.09  |
| Over £832 but not exceeding £884    | 2.31  | 1.92  | 2.90                                    | 2.42  |
| Over £884 but not exceeding £936    | 2.31  | 1.92  | 3.29                                    | 2.74  |
| Over £936                           | 2.31  | 1.92  | 3.48                                    | 2.90  |

6. If, in calculating the amount of a retirement pension, there is taken into account any period of employment after 2nd April 1961 in respect of which a payment in lieu of contributions has been made the retirement pension is, except as provided in paragraphs 7 and 8, reduced—

- (a) by £2.31 in the case of a man and by £1.92 in the case of a woman for each year, and proportionately for part of a year, of any period from 3rd April 1961 to 5th January 1964, and
- (b) by £3.48 in the case of a man and by £2.90 in the case of a woman for each year, and proportionately for part of a year, of any period from 6th January 1964 to 5th April 1975.

7. Where—

- (a) a period of employment of a retired teacher which was not non-participating employment or in respect of which a payment in lieu of contributions had been made is treated as reckonable service by virtue of interchange provisions, and
- (b) the Secretary of State is informed of the amount by which his pension under the pension scheme applicable to him before interchange provisions applied to him would have been

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reduced in respect of that period by reason of graduated retirement benefit payable under the Act or of the method of calculating such reduction,

the retirement pension in respect of that period is reduced by that amount or by an amount calculated in accordance with that method, as the case may be, and no reduction is to be made under paragraph 5 or 6 in respect of that period.

**8.** No reduction in the amount of a retirement pension is to be made under paragraph 5 or 6 in respect of any period which is reckonable service by virtue of regulation D3 or D4 or of regulations under section 1 of the Superannuation (Miscellaneous Provisions) Act 1948(**119**) (employment in national service).

**9.** A retirement pension payable to a part-time teacher, so far as it is attributable to any part-time service which was non-participating employment within the meaning of the Act (exclusive of any period of such employment in respect of which a payment in lieu of contributions has been made), is not to be less than the amount required to constitute the benefits in respect of that service equivalent pension benefits.

**10.—(1)** An annual pension in respect of any such service as is mentioned in paragraph 9 is to be paid to a part-time teacher to whom no retirement pension is payable under regulation E4 if he is in pensionable employment on attaining state pensionable age.

(2) A pension under this paragraph is of the amount required to constitute the benefits in respect of the service equivalent pension benefits and is payable from the day following that on which he ceases to be in pensionable employment or in employment which would, if he had not attained the age of 70, be pensionable employment.

(3) Regulation E31(2) (application for payment) applies in relation to a pension payable under this paragraph.

**11.** A part-time teacher to whom paragraph 10 applies is entitled to be paid a sum equal to the balance of his contributions computed as at the date of repayment in accordance with regulation C11 reduced by half the actuarial value of the pension payable to him under paragraph 10.

**12.—(1)** Any person who was employed in non-participating employment and attains state pensionable age is to be paid by way of equivalent pension benefits a sum equal to the actuarial value of a retirement pension at the following rate for each year of reckonable service—

|   | Man   | Women |
|---|-------|-------|
| during the period from 3rd April 1961 to 5th January 1964 | £2.31 | £1.92 |
| during the period from 6th January 1964 to 5th April 1975 | £3.48 | £2.90 |

but excluding any period of such employment in respect of which—

- (a) a payment in lieu of contributions has been made, or
- (b) any retirement benefits are payable under regulation E4.

(2) If on attaining state pensionable age he is still in pensionable employment payment is to be deferred until he ceases to be in pensionable employment, or in employment which would be pensionable employment if he had not attained the age of 70.

(3) Regulation E31(2) (application for payment) applies in relation to a sum payable under this paragraph.

(119) 1948 c. 33.



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## APPENDIX

**TABLE**

| Age at date of modification | Yearly reduction of retirement pension for each completed year of reckonable service after date of modification |       |
|-----------------------------|---|-------|
|                             | Men   | Women |
| (1)                         | (2)   | (3)   |
|                             | £   | £     |
| 20 or under                 | 1.70  | 1.70  |
| 21                          | 1.65  | 1.60  |
| 22                          | 1.60  | 1.53  |
| 23                          | 1.55  | 1.45  |
| 24                          | 1.50  | 1.37  |
| 25                          | 1.47  | 1.30  |
| 26                          | 1.45  | 1.23  |
| 27                          | 1.43  | 1.17  |
| 28                          | 1.40  | 1.13  |
| 29                          | 1.35  | 1.07  |
| 30                          | 1.33  | 1.03  |
| 31                          | 1.30  | 0.97  |
| 32                          | 1.27  | 0.95  |
| 33                          | 1.25  | 0.93  |
| 34                          | 1.23  | 0.90  |
| 35                          | 1.20  | 0.87  |
| 36                          | 1.17  | 0.85  |
| 37                          | 1.15  | 0.83  |
| 38                          | 1.13  | 0.80  |
| 39                          | 1.10  | 0.77  |
| 40                          | 1.07  | 0.75  |
| 41                          | 1.07  | 0.73  |
| 42                          | 1.05  | 0.73  |
| 43                          | 1.03  | 0.70  |
| 44                          | 1.00  | 0.70  |
| 45                          | 0.97  | 0.67  |
| 46                          | 0.95  | 0.65  |
| 47                          | 0.95  | 0.65  |

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| Age at date of modification<br><br>(1) | Yearly reduction of retirement pension for each completed year of reckonable service after date of modification |              |
|--|---|--------------|
|  | Men<br>(2)  | Women<br>(3) |
| 48                                     | 0.93  | 0.63         |
| 49                                     | 0.93  | 0.63         |
| 50 and over                            | 0.93  | 0.60         |

## PART II

### EMPLOYMENT AT REDUCED SALARY

**13.** Subject to paragraphs 14 to 19, these Regulations apply as if the person had been one person in relation to pensionable employment (“the earlier employment”) up to the end of his employment at the previous rate and a separate person in relation to pensionable employment (“new employment”) from the start of his employment at the reduced rate, and accordingly apply separately in relation to each of those employments.

**14.** For the purposes of regulation E3 (qualification for retirement benefits), periods counting towards a qualifying period in relation to one of the employments count also in relation to the other.

**15.—(1)** For the purposes of regulation E30(2) (limits on reckonable service for calculating benefits), periods counting as reckonable service in relation to one of the employments count also in relation to the other.

(2) Any period excluded by regulation E30(2) is excluded in relation to new employment only.

**16.—(1)** A period for which the person has, before the first day of new employment, elected to pay additional contributions under regulation C3 does not count as reckonable service in relation to new employment but does, subject to sub-paragraph (2), count in relation to the earlier employment.

(2) An election to pay such contributions by Method A or C which was made less than 12 months before the first day of new employment ceases to have effect on that day, and any contributions paid in pursuance of it are to be refunded.

(3) If an election to pay such contributions is made on or after the first day of new employment—

- (a) the period to which it relates counts as reckonable service in relation to new employment but does not count in relation to the earlier employment, and
- (b) if the contributions are to be paid by Method B paragraph 10 of Schedule 4 (calculation of lump sum where salary reduced) does not apply.

**17.—(1)** This paragraph applies if the person becomes entitled to payment of retirement benefits by virtue of regulation E4(6) (incapacity).

(2) For the purposes of regulation E8 (enhancement) the appropriate period is to be calculated by reference to the aggregate of the period counting as reckonable service in relation to the earlier employment and the period so counting in relation to new employment, and—

- (a) if he becomes entitled to payment of the benefits within 3 years after the start of new employment, the period counting as reckonable service in relation to the earlier employment, or
- (b) in any other case, the period so counting in relation to new employment,

is increased by the appropriate period so calculated.

**18.—**(1) For the purpose of calculating any death grant under regulation E19 or supplementary death grant under regulation E20 that may become payable in respect of the person—

- (a) the average salary mentioned in regulations E19(2) and E20(2)—
  - (i) if the grant becomes payable within 3 years after the start of new employment, is his average salary in respect of the earlier employment, and
  - (ii) in any other case, is his average salary in respect of new employment,
- (b) the retirement lump sum mentioned in regulation E19(2) is the aggregate of the lump sums that would have become payable as there mentioned in respect of each of the employments, enhanced in accordance with paragraph 17, and
- (c) the retirement pension mentioned in E20(3) is the aggregate of the retirement pensions paid in respect of each of the employments.

(2) Only one of either kind of grant is to be paid.

**19.** Regulation E25(10) does not have effect so as to preclude the payment of a children's pension in respect of each of the employments.

### PART III

#### POLICY SCHEMES

**20.** In this Part “policy scheme service” has the meaning that was given in regulation 3(2) of the Teachers' Superannuation (Policy Schemes) Regulations 1979(**120**) (“the 1979 Regulations”).

**21.** For the purposes of regulation C3(1) (case in which additional contributions may be paid for past period), if the person's policy scheme service began before he first became employed in pensionable employment he is to be treated as having first become so employed when his policy scheme service began.

**22.** For the purposes of regulation E3 (qualification for retirement benefits), paragraph 1 of Schedule 9 has effect as if his policy scheme service had been pensionable employment beginning after 5th April 1988.

**23.** For the purposes of regulation E6 (amount of retirement lump sum), his policy scheme service is to be treated as reckonable service after 30th September 1956.

**24.** Only 9/10ths of his policy scheme service is effective reckonable service.

**25.—**(1) For the purposes of paragraphs 1 and 2 of Schedule 3 (maximum length of additional periods), if paragraph 1(2)(a) of Schedule 3 (continuous pensionable employment) applies his adjusted age—

- (a) if when he made the election under regulation 4 of the 1979 Regulations he was subject to the policy scheme, is  $A - C$ , and
- (b) in any other case, is  $B - C$ ,

where—

A is his age when the election took effect,

B is his age when pensionable employment in continuation of his policy scheme service began, and

C is 9/10ths of his policy scheme service.

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(2) If paragraph 1(2)(b) of Schedule 3 applies, his adjusted age for the purposes mentioned in sub-paragraph (1) above is  $D - (E + F)$ , where—

D is his age at the start of his most recent pensionable employment,

E is the total time spent by him in pensionable employment, and

F is 9/10ths of his policy scheme service.

**26.—**(1) For the purposes of paragraph 2 (National Insurance modifications), his policy scheme service is to be treated as service after the beginning of July 1948.

(2) No reduction in the amount of his retirement pension is to be made under paragraph 5 or 6 in respect of the period of his policy scheme service.

## PART IV

### ADMITTED SERVICE

**27.—**(1) In the case of a person with admitted service who has not been in pensionable employment, regulation C10(1) (right to repayment of balance of contributions) has effect with the substitution—

(a) for “pensionable employment” of “admitted service”, and

(b) for “retirement benefits” of the benefits described in paragraph 28(1).

(2) In the case of any person with admitted service, regulation C11 (calculation of balance of contributions) has effect as if the amounts specified in regulation C11(3) included the contributions paid by him in respect of that service.

**28.—**(1) Subject to sub-paragraphs (2) to (5) and paragraph 30, an annual pension and a lump sum (“admitted service benefits”) are payable in respect of admitted service.

(2) A person who has not been in pensionable employment is qualified for admitted service benefits if his admitted service amounts to at least 5 years.

(3) Any other person with admitted service is qualified for admitted service benefits if he is qualified for retirement benefits.

(4) A person who has not been in pensionable employment and is qualified for admitted service benefits becomes entitled to payment of them on his 60th birthday.

(5) Any other person qualified for admitted service benefits becomes entitled to payment of them when he becomes entitled to payment of retirement benefits.

**29.—**(1) The rate of the annual pension is—

$$\left\lfloor \frac{A}{80} \times B \right\rfloor + \frac{C}{5}$$

where—

A is the average annual rate of his salary during his admitted service,

B is the length of the admitted service, expressed in years and any fraction of a year, and

C is so much of—

$$\left\lfloor \frac{A}{80} \times B \right\rfloor$$

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as is attributable to admitted service before 1st April 1962.

(2) The amount of the lump sum is—

$$\left\{ \frac{A}{30} \times D \right\} + \left\{ \frac{3 \times A}{80} \times E \right\}$$

where—

A is the same as in sub-paragraph (1),

D is the length, expressed in years and any fraction of a year, of admitted service before 1st April 1963, and

E is the length, so expressed, of admitted service after 31st March 1963.

**30.** Regulations E18 (deferment, etc.), E31 (application for payment, etc.) and E32 (benefits not assignable) apply in relation to admitted service benefits as they apply in relation to retirement benefits.

## PART V

### SPECIFIED COUNTRY SERVICE

**31.** Regulations E4 (entitlement to payment of retirement benefits), E6 (amount of retirement lump sum), E13(3) (pension becoming payable again after cessation on ceasing to be incapacitated), E15 (retirement benefits on cessation of further employment) and E16 (short service annuity) have effect with the substitution for references (whether direct or not) to the age of 60 of references to the age obtained by deducting from 60 years a period of 3 months in respect of each complete year of up to 20 years of specified country service.

**32.** Subject to paragraph 33—

- (a) for the purpose of calculating retirement benefits, and grants under regulations E17, E19 and E20, and
- (b) for the purposes of regulation E30(2) (restriction of effective reckonable service to 45 years, etc.),

specified country service counts as reckonable service at 1.5 times its actual length.

**33.** For the purposes of regulation E8 (enhancement of retirement benefits in case of incapacity), in calculating relevant service specified country service counts as reckonable service at its actual length.

## PART VI

### SERVICE BEFORE 1ST APRIL 1945

**34.—**(1) The persons to whom this Part applies are persons in pensionable employment who—

- (a) are employed by, or in a school maintained by, a local education authority, and
- (b) have not become entitled to payment of retirement benefits.

(2) The service to which this Part applies is full-time service before 1st April 1945—

- (a) in or in connection with a public elementary school as a supplementary teacher, additional teacher, additional woman teacher or additional female teacher, or

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- (b) in the employment of a former authority within the meaning of the Education Act 1944<sup>(121)</sup> in an establishment for providing social or physical training, if the employment was in a capacity in which the person's principal duty was to provide or supervise the provision of such training and the service was not recognised or contributory service, or
- (c) in the employment of such a former authority, if—
  - (i) the service was of the same kind as service approved by the Minister of Education for the purposes of section 2(1) of the Act of 1945<sup>(122)</sup>, and
  - (ii) before being so employed the person had been employed for not less than 3 years, whether in or outside England and Wales, as a teacher in a capacity of a kind approved by the Minister of Education under paragraph 3(b) of Schedule 1 to the Act of 1945, or
- (d) as a teacher employed by a local authority in the provision under section 30(cc) of the Mental Deficiency Act 1913<sup>(123)</sup> of suitable training or occupation for defectives under supervision or guardianship or sent to certified institutions, if the service—
  - (i) was in the capacity of a certificated or uncertificated teacher, and
  - (ii) was approved for the purposes of previous provisions on the recommendation of the Board of Control.

**35.—(1)** If a person to whom this Part applies—

- (a) by giving written notice to the Secretary of State so elects, and
- (b) pays the required contribution,

these Regulations have effect in relation to him as if any specified period during which he was in service to which this Part applies had been a period of pensionable employment.

**(2)** The required contribution is—

- (a) the total of the contributions that would have been payable for the specified period under the Act of 1922<sup>(124)</sup> or under section 9(1)(a) of the Act of 1925<sup>(125)</sup> if the service had been recognised or contributory service, and
- (b) interest on that total at 4 per cent per annum, compounded with yearly rests, from 1st April 1947 to the date of payment.

## SCHEDULE 11

Regulation E11

### ALLOCATION OF PART OF RETIREMENT PENSION

## PART I

### CONTENTS OF DECLARATION

**1.—(1)** A declaration is to specify—

- (a) the part of the retirement pension allocated, and

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<sup>(121)</sup>1944 c. 31.

<sup>(122)</sup>1945 c. 14.

<sup>(123)</sup>1913 c. 28.

<sup>(124)</sup>1922 c. 42.

<sup>(125)</sup>1925 c. 59.

- (b) which alternative benefit it is to provide.
- (2) The part allocated, which is to be expressed as a whole number of pounds, must not exceed the lower of—
  - (a) 1/3rd of the annual rate of the retirement pension, disregarding any National Insurance modification under Schedule 10, and
  - (b) the amount that would result in the reduction of that rate to less than the rate of, as the case may be, the annuity mentioned in regulation E11(2)(a) or the subsequent annuity mentioned in regulation E11(2)(b),and must not be such as to affect any equivalent pension benefits.

## PART II

### PROCEDURE

- 2.—**(1) A person who, with a view to making an allocation, gives the Secretary of State at least 4 months' notice of his intended retirement is referred to in this Schedule as a “retiring employee”.
- (2) For the purposes of this Schedule a person’s relevant birthday is—
- (a) where retirement benefits become payable by virtue of regulation E4(7) (redundancy, etc.), his 50th, and
  - (b) in any other case, his 60th.
- 3.—**(1) Before delivering a declaration a person must have given the Secretary of State written notice of his intention to make an allocation.
- (2) The notice is to be given—
- (a) in the case of a retiring employee, no later than his application for payment of retirement benefits, and
  - (b) in any other case, no earlier than 4 months before the later of—
    - (i) the date on which the person becomes qualified for retirement benefits, and
    - (ii) his relevant birthday.
- 4.—**(1) Before delivering a declaration a person must also, at his own expense—
- (a) have satisfied the Secretary of State as to his health, and
  - (b) have provided the Secretary of State with such information about the person for whose benefit the allocation is to be made, and verified it in such manner, as the Secretary of State may reasonably require.
- (2) In order to satisfy the Secretary of State as to his health the person must have been examined by a medical practitioner nominated by the Secretary of State; he may if he wishes be examined by a second such practitioner if the Secretary of State is not satisfied as a result of the first examination.
- 5.—**(1) On receiving a notice under paragraph 3 the Secretary of State is to notify the person in writing of—
- (a) the amount or estimated amount of his retirement pension,
  - (b) the name and address of the nominated medical practitioner, and
  - (c) the time within which any declaration is to be delivered.
- (2) A declaration is to be delivered—

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- (a) if the person is resident outside the United Kingdom, within 4 months, and
  - (b) in any other case, within 3 months,
- after receipt of the Secretary of State's notification under sub-paragraph (1).
- (3) If he is satisfied as to the person's health, and with the information provided in accordance with paragraph 4(1)(b), the Secretary of State is to send him a suitable form on which to make the declaration.
- (4) On the delivery to him of a declaration, the Secretary of State is to provide the person making it with written particulars of the alternative benefit.
6. A declaration, and any notice or other communication under this Part, may be sent by post.

### PART III

#### OTHER MATTERS

- 7.—(1) Subject to sub-paragraphs (2) to (6), a declaration takes effect as such on the day on which it is delivered to the Secretary of State.
- (2) A declaration cannot take effect before the person's relevant birthday.
- (3) A declaration has no effect if either the person making it or the person for whose benefit the allocation was to be made dies before the material time.
- (4) In the case of a declaration made by a retiring employee the material time is the later of—
- (a) the day after that on which the declaration is delivered, and
  - (b) the day before that on which he becomes entitled to payment of retirement benefits.
- (5) In any other case the material time is the day on which the declaration is delivered.
- (6) A declaration may be revoked or varied by a further declaration delivered—
- (a) in the case of a retiring employee, before the day on which he becomes entitled to payment of retirement benefits, and
  - (b) in any other case, before the day on which the original declaration is delivered.
- 8.—(1) An allocation takes effect on the day on which the person making it becomes entitled to payment of retirement benefits.
- (2) For the purposes of sub-paragraph (1), if a person other than a retiring employee dies in pensionable employment after his declaration has taken effect, he is to be taken to have become entitled to payment of retirement benefits on the date of his death.
- 9.—(1) If notice of intention has been given under paragraph 3 and by the later of—
- (a) the date of the person's becoming entitled to retirement benefits, and
  - (b) his relevant birthday,
- no declaration has been delivered, then, from the later of those dates until he has either delivered a declaration or failed to satisfy the Secretary of State as mentioned in paragraph 5(3), 1/3rd of his retirement pension may be withheld.
- (2) Any resulting underpayment or overpayment is to be adjusted in due course.



**10.**—(1) If after a retiring employee has delivered a declaration the rate of his retirement pension is increased, otherwise than under the Pensions (Increase) Act 1971<sup>(126)</sup>, the part allocated is correspondingly increased.

(2) Sub-paragraph (1) applies even if the increase in the retirement pension takes effect from a date earlier than the date of delivery of the declaration.

(3) The corresponding increase in the part allocated, which is to be rounded down to the nearest pound, takes effect from the same date as the increase in the retirement pension.

(4) If the alternative benefit is the one described in regulation E11(2)(b) (annuity for declarant followed by annuity for surviving spouse), the resulting increase in the first of those annuities takes effect from the same date as the increase in the retirement pension.

**11.** If after a person has delivered a declaration the rate of his retirement pension is reduced, the declaration continues to have effect but the part allocated is reduced to any extent necessary to secure that the restrictions in paragraph 1(2) are still complied with.

## SCHEDULE 12

Regulations F3, F5

### TRANSFER VALUES

#### PART I

##### OUTWARD TRANSFERS

**1.** A transfer value is calculated on the cash equivalent basis if it is calculated in the manner prescribed under paragraph 14 of Schedule 1A to the Pensions Act<sup>(127)</sup> for the calculation of cash equivalents.

**2.** Where—

- (a) a transfer value is payable to the scheme managers of a club scheme or a personal pension scheme, or
- (b) a transfer value is payable to the scheme managers of an approved superannuation scheme which is not a club scheme and none of the service to which it relates is service before 1st September 1988,

and no right to a cash equivalent was acquired, the transfer value is to be calculated on the cash equivalent basis.

**3.** Where—

- (a) a transfer value is payable to the scheme managers of an approved superannuation scheme which is not a club scheme, and
- (b) the service to which it relates includes service before 1st September 1988, and
- (c) no right to a cash equivalent was acquired,

the amount of the transfer value is the total of A and the greater of B and C, where—

A is a notional transfer value, calculated on the cash equivalent basis, in respect of the person's service after 31st August 1988,

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<sup>(126)</sup>1971 c. 56.

<sup>(127)</sup>1975 c. 60; Schedule 1A was inserted by the Social Security Act 1985 (c. 53), Schedule 1, paragraph 3, and amended by the Social Security Act 1986 (c. 50), Schedule 10, paragraphs 29 and 30.

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B is a notional transfer value, calculated on the cash equivalent basis, in respect of his service before 1st September 1988, and

C is a notional transfer value, calculated as if Schedule 7 to the 1976 Regulations, as in force on 31st August 1988, had continued in force, in respect of his service before 1st September 1988.

**4. Where—**

- (a) a transfer value is payable to the scheme managers of an approved superannuation scheme which is not a club scheme, and
- (b) the service to which it relates includes service before 1st September 1988, and
- (c) a right to a cash equivalent was acquired,

the amount of the transfer value is D—E, where—

D is the transfer value that would have been payable if paragraph 3 had applied, and

E is the amount of the cash equivalent.

**5. Where—**

- (a) a transfer value is payable to the scheme managers of a personal pension scheme, and
- (b) a right to a part cash equivalent was acquired,

the transfer value is to be calculated on the cash equivalent basis but as if the person's pensionable employment had ended with 5th April 1988.

**6.—(1) This paragraph applies where—**

- (a) a transfer value falls to be calculated in accordance with paragraph 3 or 4, and
- (b) for the purposes of paragraph 3 C is greater than B.

(2) Subject to sub-paragraphs (3) and (4), if the transfer value is not paid within 6 months after the person ceased to be in pensionable employment the amount calculated in accordance with paragraph 3 or 4 is increased by adding to it interest on C at 9 per cent per annum, compounded with 3-monthly rests, for each complete period of 3 months after the end of the employment and before the date of payment.

(3) If the employment ended before 1st April 1977 the amount calculated in accordance with paragraph 3 is increased by adding to it—

- (a) interest on C at 6 per cent per annum, compounded with yearly rests, for each complete period of a year after the end of the employment and before 1st April 1977, and
- (b) interest on C at 9 per cent per annum, compounded with 3-monthly rests, for the period of 3 months beginning on 1st April 1977 and for each subsequent complete period of 3 months before the date of payment.

(4) If the employment ended after 5th April 1978 and before 1st April 1979 the amount calculated in accordance with paragraph 3 is increased by adding to it interest on C at 6 per cent per annum, compounded with yearly rests, for each complete period of a year after the end of the employment and before the date of payment.

**7.** Where a transfer value is paid to the scheme managers of an occupational pension scheme which is not a contracted-out scheme or of a personal pension scheme, there may be deducted from it the amount of any contributions equivalent premium paid by the Secretary of State.

## PART II

### ADDITIONAL TRANSFER VALUES IN RESPECT OF WAR SERVICE

8. The additional transfer value payable in respect of a person under regulation F2 is—

$$\left[ \frac{46.5 \times (A \times B)}{100} \times C \right] + D$$

where—

A is the amount of his pensionable emoluments,

B is the length of the war service by virtue of which regulation 7 of the 1976 Regulations applied to him,

C is the factor ascertained from the table in Part II of Schedule 8, and

D is interest on

$$\left[ \frac{46.5 \times (A \times B)}{100} \times C \right]$$

at 9 per cent per annum, compounded with 3-monthly rests, for each complete period of 3 months after 31st March 1978 and before the date of payment.

9.—(1) The pensionable emoluments of a person who on 1st April 1978 was in service in which he was subject to the qualifying public service scheme are the annual value of so much of his emoluments as was then pensionable under the scheme.

(2) In any other case, a person's pensionable emoluments are E+F, where—

E is the annual value of so much of his emoluments as was pensionable under the scheme when he ceased to be in service or employment in which he was subject to it, and

F is the annual amount (if any) by which, by 1st April 1978, E would have been increased if it had been the annual rate of an official pension, within the meaning of the Pensions (Increase) Act 1971(128), beginning, and first qualifying for increases under that Act, when he ceased to be in such service or employment.

## PART III

### INWARD TRANSFERS

10. If the employment in which the person was subject to the previous scheme was comparable British service, he is entitled to count as reckonable service the period of service certified by the scheme managers as having stood to his credit under the scheme when he ceased to be subject to it.

11.—(1) If—

- (a) the previous scheme is a club scheme service under which is not comparable British service, or
- (b) the previous scheme is a personal pension scheme or an approved superannuation scheme which is not a club scheme and the person has entered pensionable employment after 31st December 1985,

he is entitled to count as reckonable service the period specified in sub-paragraph (2).

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(128) 1971 c. 56.

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(2) The period is one equal to the period of reckonable service that would enable the Secretary of State to pay a transfer value, calculated on the cash equivalent basis, of the same amount as the one accepted.

(3) In calculating the period specified in sub-paragraph (2)—

- (a) if sub-paragraph (1)(a) applies and the request for the transfer value to be accepted was made within 12 months after the date on which the person entered pensionable employment, the calculation is to be made by reference to the age and salary notified by the scheme managers of the previous scheme as those by reference to which the transfer value accepted was calculated,
- (b) if sub-paragraph (1)(b) applies and the transfer value was received within 12 months after the date on which the person entered pensionable employment, the calculation is to be made by reference to his age, and the annual rate of his contributable salary, on that date,
- (c) in any other case, the calculation is to be made by reference to his age, and the annual rate of his contributable salary, on the date on which the transfer value was received,
- (d) if sub-paragraph (1)(a) applies any sum representing interest that is included in the transfer value is not to be taken into account, and
- (e) if sub-paragraph (1)(b) applies any such sum is to be taken into account.

12. If—

- (a) the previous scheme is an approved superannuation scheme which is not a club scheme, and
- (b) the person entered pensionable employment before 1st January 1986,

he is entitled to count as reckonable service a period calculated as if Schedule 7 to the 1976 Regulations, as in force on 31st August 1988, had continued in force.

## SCHEDULE 13

Regulations G1, G2

### TEACHERS' SUPERANNUATION ACCOUNT

## PART I

### TRANSITIONAL

1. The account that was required by regulation 85 of the 1976 Regulations to be kept by the Secretary of State is to be made up to 1st November 1988 as if the period beginning on 1st April 1988 and ending with 31st October 1988 had been an accounting period within the meaning of Part V of the 1976 Regulations.

2.—(1) References in regulations G1 to G3 and in this Schedule to a financial year are to be construed as including references to the period beginning on 1st November 1988 and ending with 31st March 1989.

(2) In relation to that period—

- (a) the reference in regulation G2(4)(a) to the closing balance in the account for the preceding financial year is to be construed as a reference to the closing balance in the account mentioned in paragraph 1 for the period mentioned in that paragraph, and
- (b) the reference in paragraph 6(2) to 1st October in the financial year is to be construed as a reference to 1st October 1988.

**3.—(1)** For the purposes of Part G—

- (a) the inquiry which was required by regulation 91(1) of the 1976 Regulations to be made with respect to the account mentioned in paragraph 1 above at the end of the accounting period ending with 31st March 1986 is to be treated as having been an inquiry required by regulation G4(1), and
- (b) the report on that inquiry is to be treated as a report made in compliance with regulation G4(2),

and accordingly for the purposes of regulation G5 (employers' contributions) the first relevant period is the period beginning on 1st April next following the date of that report.

(2) During the period beginning on 1st November 1988 and ending immediately before the start of the first relevant period regulation G5 applies as if that period had been a relevant period and the required percentage had been 9.45.

## PART II

### FORM OF ACCOUNT

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4. The form referred to in regulation G1 is the following:

**ACCOUNT UNDER REGULATION G1 OF THE TEACHERS' SUPERANNUATION REGULATIONS 1988 FOR THE YEAR ENDED 31 MARCH 19**

| HEAD  | £000's | £000's |
|---|--------|--------|
| Notional balance at 1 April 19  |        |        |
| <b>ADD RECEIPTS</b>   |        |        |
| <b>A1 Contributions</b>   |        |        |
| i. Employees  |        |        |
| ii. Employers   |        |        |
| <b>II Transfer Values</b>   |        |        |
| i. Actual   |        |        |
| ii. Notional  |        |        |
| <b>III Contributions equivalent premiums</b>                            |        |        |
| <b>IV Miscellaneous receipts</b>  |        |        |
| <b>V Interest on notional investments</b>                               | _____  | _____  |
| <b>DEDUCT PAYMENTS</b>  |        |        |
| <b>BI Benefits</b>  |        |        |
| i. Annual pensions  | }      |        |
| ii. Lump sums   |        |        |
| iii. Death grants   |        |        |
| iv. Widows' pensions  |        |        |
| v. Widowers' pensions   |        |        |
| vi. Children's pensions   |        |        |
| vii. Other beneficiaries' pensions                                      |        |        |
| viii. Short term pensions   |        |        |
| <b>II Repayments of contributions</b>                                   |        |        |
| <b>III Transfer values</b>  |        |        |
| i. Actual   |        |        |
| ii. Notional  |        |        |
| <b>IV Contributions equivalent premiums to the State Pension Scheme</b> | _____  | _____  |
| <b>Notional balance at 31 March 19</b>                                  | _____  | _____  |

## PART III

### NOTIONAL INTEREST

5.—(1) Subject to sub-paragraph (2) and paragraph 7(3), the notional interest to be credited to the account under regulation G2(4)(e) is the interest that would have accrued for the financial year—

- (a) from the notional investment that was referred to in regulation 88(1)(c) of the 1976 Regulations (investment referable to accumulated balance of revenue over expenditure as at 31st March 1971), and

- (b) from the notional investments of annual balances that were referred to in regulation 88(1)(b) of the 1976 Regulations (balances for financial years ending on or after 31st March 1972), and
- (c) in any financial year beginning after 31st March 1989, from the assumed investments at the end of preceding financial years described in paragraph 6(4),

and half the interest that would have accrued for the financial year from the assumed investment described in paragraph 6(3).

(2) There is to be deducted from the gross amount of the notional interest an amount equal to the income tax that would have been payable if the notional and assumed investments had been held for the purposes of a retirement benefits scheme approved under Chapter I of Part XIV of the Income and Corporation Taxes Act 1988(129) which was an exempt approved scheme within the meaning of that Chapter and which provided benefits comparable to those provided under these Regulations.

6.—(1) In this paragraph “invested” means invested in one or more designated securities at the mean price.

(2) A designated security is a government security designated for the financial year by the Secretary of State after consulting the Government Actuary, and the mean price is half way between the highest and lowest prices shown for it in the Official Daily List of The Stock Exchange for 1st October in the financial year or, if the Exchange was not then open, for the last day on which it had been open.

(3) It is to be assumed that  $A+B-C$  was invested at the beginning of the financial year—

A being the total of the receipts credited for the financial year in accordance with regulation G2(1) and (4)(b) to (d),

B being the notional interest described in paragraph 5(1)(a), (b) and (c), and

C being the total of the payments debited for the financial year in accordance with regulation G3.

(4) It is to be assumed that  $A+B+D-C$  is invested at the end of the financial year in the same designated security or securities, A, B and C being the same as in sub-paragraph (3) and D being half the interest that would have accrued for the financial year from the assumed investment described in that sub-paragraph.

7.—(1) Any security which is the subject of a notional or assumed investment mentioned in paragraph 5(1)(a), (b) or (c) is to be treated as having been redeemed on the last date on which it could have been redeemed in accordance with the terms on which it was issued (“the redemption date”).

(2) The amount originally treated as invested in the security is to be assumed to have been re-invested on the redemption date in a government security designated by the Secretary of State after consulting the Government Actuary.

(3) The notional interest calculated in accordance with paragraph 5 is to be increased by any excess of F over E, or as the case may be reduced by any excess of E over F, where—

E is the amount originally treated as invested in the security, and

F is the amount notionally received on its redemption after deducting any capital gains tax that would have been payable if the investment had been held for the purposes of a retirement benefits scheme of the kind mentioned in paragraph 5(2).

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(129) 1988 c. 1.

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## SCHEDULE 14

Regulation H8

## REVOCATIONS, SAVINGS AND TRANSITIONAL PROVISIONS

## PART I

### REVOCATIONS

| Regulations revoked   | References                     | Extent of revocation   |
|---|--------------------------------|------------------------|
| The Teachers' Superannuation Regulations 1976                     | <a href="#">S.I. 1976/1987</a> | The whole Regulations. |
| The Teachers' Superannuation (Amendment) Regulations 1978         | <a href="#">S.I. 1978/422</a>  | The whole Regulations. |
| The Teachers' Superannuation (Amendment) (No. 2) Regulations 1978 | <a href="#">S.I. 1978/1422</a> | The whole Regulations. |
| The Teachers' Superannuation (Amendment) (No. 3) Regulations 1978 | <a href="#">S.I. 1978/1512</a> | The whole Regulations. |
| The Teachers' Superannuation (Policy Schemes) Regulations 1979    | <a href="#">S.I. 1979/47</a>   | The whole Regulations. |
| The Teachers' Superannuation (Amendment) Regulations 1979         | <a href="#">S.I. 1979/1206</a> | The whole Regulations. |
| The Teachers' Superannuation (Amendment) Regulations 1980         | <a href="#">S.I. 1980/919</a>  | The whole Regulations. |
| The Teachers' Superannuation (Amendment) (No. 2) Regulations 1980 | <a href="#">S.I. 1980/1043</a> | The whole Regulations. |
| The Teachers' Superannuation (War Service) Regulations 1982       | <a href="#">S.I. 1982/46</a>   | The whole Regulations. |
| The Teachers' Superannuation (Amendment) Regulations 1982         | <a href="#">S.I. 1982/496</a>  | The whole Regulations. |
| The Teachers' Superannuation (Amendment) (No. 2) Regulations 1982 | <a href="#">S.I. 1982/967</a>  | The whole Regulations. |
| The Teachers' Superannuation (Amendment) Regulations 1985         | <a href="#">S.I. 1985/1844</a> | The whole Regulations. |



| Regulations revoked  | References                     | Extent of revocation   |
|--|--------------------------------|------------------------|
| The Teachers' Superannuation (Miscellaneous Provisions) Regulations 1988         | <a href="#">S.I. 1988/387</a>  | The whole Regulations. |
| The Teachers' Superannuation (Miscellaneous Provisions) (No. 2) Regulations 1988 | <a href="#">S.I. 1988/816</a>  | The whole Regulations. |
| The Teachers' Superannuation (Amendment) Regulations 1988                        | <a href="#">S.I. 1988/1374</a> | The whole Regulations. |

## PART II

### SAVINGS

1. The revocation by these Regulations of a transitional provision relating to the coming into force of a provision re-enacted in these Regulations does not affect the operation of that transitional provision, so far as it remains capable of having effect, in relation to the provision as re-enacted.

2.—(1) The revocation by these Regulations of a provision previously revoked subject to savings does not affect the previous operation of those savings.

(2) The revocation by these Regulations of a saving made on the previous revocation of a provision does not affect the operation of the saving in so far as it remains capable of having effect.

3. Any document made, served or issued after 31st October 1988 which includes a reference to a provision revoked by these Regulations is to be construed, except so far as a contrary intention appears, as referring or, as the context may require, including a reference to the corresponding provision of these Regulations.

## PART III

### TRANSITIONAL PROVISIONS

1.—(1) The re-enactment of provisions in these Regulations, and the consequent revocation of those provisions by these Regulations, does not affect the continuity of the law.

(2) The general rule is that the provisions of these Regulations apply, in accordance with subparagraph (1), to matters arising before the commencement of these Regulations as to matters arising after that commencement.

(3) The general rule has effect subject to any express provision to the contrary, and to paragraph 2 (protected benefits).

(4) The general rule does not mean that the provisions of these Regulations apply to cases to which the corresponding revoked provisions did not apply by virtue of transitional provision made in connection with the commencement of the revoked provisions (such transitional provisions are saved by paragraph 1 of Part II).

2.—(1) Where—

- (a) a provision of these Regulations (“the new provision”) re-enacts with any modification a provision revoked by these Regulations (“the former provision”), and

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- (b) the effect of the general rule is that a person to whom a protected benefit was being paid or might become payable is placed in a worse position than he would have been in if the former provision had continued to have effect,

he may by giving written notice to the Secretary of State within 3 months after 1st November 1988 elect that the new provision is to apply in relation to the benefit as if it had re-enacted the former provision without modification.

(2) A protected benefit is one paid, or capable of becoming payable, to or in respect of a person who before 1st November 1988 ceased to be in pensionable employment or died.

3. Where a period of time specified in a provision of any Regulations revoked by these Regulations is current at the commencement of these Regulations, these Regulations have effect as if the corresponding provision of these Regulations had been in force when that period began to run.

6th September 1988

*Kenneth Baker*  
Secretary of State for Education and Science

We consent

21st September 1988

*Alan Howarth*  
*David Lightbown*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations consolidate the Regulations revoked by regulation H8 and Schedule 14, comprising the bulk of the Regulations applying to England and Wales made under section 9 of the Superannuation Act 1972.

There are a number of changes of effect, described in the Table below. Except where otherwise indicated, references in the second column are to the Teachers' Superannuation Regulations 1976 as amended from time to time.

**TABLE**

| Consolidated provisions | Corresponding revoked provisions | Subject          | Changes                                  |
|-------------------------|----------------------------------|------------------|--|
| r.B4(6)                 | r.6(3)                           | Accepted schools | Effective date of acceptance simplified. |

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| Consolidated provisions | Corresponding revoked provisions        | Subject   | Changes  |
|-------------------------|---|---|--|
| r.B4(9)                 | r.6                                     | Same  | Fresh application required where previous accepted status lost.                                  |
| r.B5(1)(b)              | r.4(3)                                  | Pensionable employment  | Time limits on absences not reproduced.  |
| r.C1(5)                 | r.13(2)                                 | Notional salary of services education officer                         | Recent changes in statutory determination of teachers' pay reflected.                            |
| r.C1(6)—(11)            | r.14(2), (3)                            | Election on reduction of salary                                       | Procedural and other deficiencies supplied.  |
| r.C3(14)                | r.24(9)(b)                              | Election to pay additional contributions                              | Nullity an automatic, not discretionary, consequence of dishonest health declaration.            |
| r.C6                    | <a href="#">S.I. 1982/46</a> r.15, r.16 | Reduction of extra purchased service on account of war service credit | Reduction automatic, not elective; application extended to purchases made by widow or dependant. |
| r.C8(1)                 | r.30(1), (2)                            | Additional contributions by former employees                          | Application further restricted; casual employees and certain others excluded.                    |
| r.C8(2), (3), (5)       | r.30(1), (2)                            | Same  | Start of period identified; period to terminate on non-payment of contribution.                  |
| r.C8(8)                 | r.31(2)                                 | Same  | Requirement of payment by end of financial year relaxed.   |
| r.C8(9)                 | r.31(4)                                 | Same  | Interest payable where late payment accepted.  |
| r.C11(3)                | r.49(2), (4)                            | Interest on repaid contributions                                      | Adjustment to date from which interest runs.   |
| r.C12(5)                | r.50(2)                                 | Interest on repaid family benefit contributions                       | Adjustment to date to which interest runs.   |

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| Consolidated provisions | Corresponding revoked provisions                         | Subject  | Changes  |
|-------------------------|--|--|--|
| r.C14(1)                | r.19(2), (3)   | Election to return repaid contributions        | Written notice required.   |
| r.D4(b)                 | r.4(1)(b)  | Service purchased by additional contributions  | Period counts only at proportionate length where employment was part-time.                                 |
| r.D5(1), r.D6(2), (3)   | <a href="#">S.I. 1982/46</a> r.2(2), r.3(1), (2), r.8(1) | War service: whether transfer value necessary  | No transfer value necessary where employee transferred from local government service in United Kingdom.    |
| r.E7(4)                 | r.73   | Limits on lump sum benefits                    | Limit imposed where service is 20 years or more.   |
| r.E8(7)(b)              | r.54(3), r.56(4)   | Incapacity: enhancement of benefits            | War service excluded from relevant service.  |
| r.E13(2)                | r.78(1)  | Pension ceasing where incapacity ceases        | Pension ceases on, not on “approved” date after, cessation of incapacity.                                  |
| r.E13(4)                | r.78(3)  | Resumption of payment restricted               | No resumption where pensioner has been in pensionable employment after first becoming entitled to pension. |
| r.E14(1)                | r.75(1), (4)   | Abatement of pension during further employment | Now applies only to teaching employment.   |
| r.E19(1), (3), (6), (7) | r.58(1), (2)   | Death grants                                   | Payment now discretionary, and to be made to any surviving spouse.   |
| r.E19(1)(b)             | r.58(1)  | Same   | Grant may be paid on death of ex-employee who was paying additional contributions.                         |
| r.E19(4)(b)             | r.58(2)  | Same   | More restrictive condition where employment ceases after commencement of consolidation.                    |

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| Consolidated provisions | Corresponding revoked provisions | Subject   | Changes   |
|-------------------------|----------------------------------|---|---|
| r.E19(5)                | r.58(2)                          | Same  | Grant reduced by amount of any previous lump sum benefit.   |
| r.E20(1)(b)             | r.60(1), (2)                     | Supplementary death grants                                      | Not payable on death in pensionable employment.   |
| r.E20(4)(a)             | r.60(4)                          | Same  | Reduction in pension on re-employment or to avoid duplication is to be disregarded.   |
| r.E29(6)                | r.9(6)                           | “Full salary” for calculating average salary                    | Includes salary for certain periods when not in pensionable employment.   |
| r.E29(9), (10)          | r.9(5)                           | Excessive salary increases affecting average salary             | Application restricted; amount to be taken into account no longer discretionary.  |
| r.E30(4)                | r.56(5)                          | Lump sum benefits: limited counting of extra periods purchased  | Application determined by reference also to certain periods when not in pensionable employment; now applies only to past periods. |
| —                       | r.72(1A)                         | Benefits: exclusion of service where shortfall in contributions | Provision not reproduced.   |
| r.E31(4)                | r.93(2)                          | Intervals at which pensions payable                             | Interval is now one month instead of 3 months.  |
| r.G2(1)                 | r.86                             | Superannuation account: receipts                                | To be credited for year in which received.  |
| r.G2(4)                 | r.86                             | Same  | No credits in respect of payments of benefits attributable to service before June 1922.   |
| r.G3                    | r.87                             | Superannuation account: payments                                | Above payments are not, but certain statutory payments are, to be debited.  |

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| Consolidated provisions | Corresponding revoked provisions    | Subject                              | Changes  |
|-------------------------|-------------------------------------|--------------------------------------|--|
| r.H3(2)                 | r.92(1)                             | Provision of information             | Includes information about former employees; provision within reasonable time may be required. |
| r.H4                    | r.94                                | Payment without proof of title       | Not to exceed amount specified under <a href="#">1965 c. 32</a> (instead of £5,000).           |
| r.H7                    | r.97                                | Determination of questions           | All questions arising under Regulations now to be determined by Secretary of State.            |
| Sch. 2 paras 18, 19     | Sch. 1 Part 2                       | Optionally pensionable employments   | Additional categories.   |
| Sch. 3 para 2           | r.23                                | Maximum length of additional periods | Possibility of purchase after age 55 taken into account.                                       |
| Sch. 4 para 15(4)       | Sch. 2A Part III para 7(4)          | Purchase of past period as service   | Time limit for payment of lump sum to complete extra contributions.                            |
| Sch. 8 Part I           | <a href="#">S.I. 1982/46</a> Sch. 1 | War service: qualifying service      | Local government service in United Kingdom included.   |
| Sch. 9 para 2           | r.53(1), (2)                        | Qualifying service                   | Now includes any past added years purchased.   |
| Sch. 10 para 2(1)(b)    | Sch. 9 para 3(1)(b)                 | National Insurance modification      | Applies where employment began after March 1967.   |
| Sch. 10 paras 27, 28    | —                                   | Admitted service                     | New provision.   |
| Sch. 10 paras 31—33     | —                                   | Specified country service            | New provision.   |
| Sch. 13 para 4          | Sch. 8 Part 1                       | Teachers' superannuation account     | Form modified.   |