

**1999 No. 607**

**EDUCATION, ENGLAND AND WALES**

**The Teachers' Pensions (Amendment) Regulations 1999**

<i>Made</i> - - - -	<i>5th March 1999</i>
<i>Laid before Parliament</i>	<i>9th March 1999</i>
<i>Coming into force</i>	
<i>Except for regulations 6 and 7</i>	<i>1st April 1999</i>
<i>Regulations 6 and 7</i>	<i>1st September 1999</i>

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

**Citation, commencement and interpretation**

- 1.**—(1) These Regulations may be cited as the Teachers' Pensions (Amendment) Regulations 1999.
- (2) Except for regulations 6 and 7 these Regulations shall come into force on 1st April 1999.
- (3) Regulations 6 and 7 shall come into force on 1st September 1999.
- (4) In these Regulations "the principal regulations" means the Teachers' Pensions Regulations 1997(c).

**Amendment of Principal Regulations**

- 2.** The principal regulations shall be amended in accordance with regulations 3 to 8.
- 3.** In regulation A3(d) after paragraph (3) there shall be inserted the following paragraph—
- “(4) During the period beginning on 1st April 1999 and ending immediately before 1st September 1999 a grant-maintained or grant-maintained special school shall, for the purposes of this regulation, be treated as a school maintained by a local education authority.”.
- 4.** In regulation G4—
- (a) for the first paragraph there shall be substituted—
- “(1) The Government Actuary shall, from time to time, make an actuarial inquiry reporting on the position in relation to the account as at the date determined in relation to the inquiry by the Secretary of State (“the inquiry reference date”).
- (1A) In making a determination under paragraph (1) the Secretary of State shall secure that—
- (a) the inquiry reference date for the first inquiry is no later than 31st March 2001; and

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(a) 1972 c. 11; section 9 was amended by sections 4(1), 8(3) and (4) and 11 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) and section 12 was amended by section 10 of that Act.

(b) See S.I. 1981/1670.

(c) S.I. 1997/3001 as amended by S.I. 1998/2255.

(d) Regulation A3 was inserted by S.I. 1998/2255.

- (b) the inquiry reference date for each subsequent inquiry is no later than 5 years after the inquiry reference date for the previous inquiry.”;
  - (b) in paragraph (2) for “as soon as practicable after the end of the financial year in question” there shall be substituted “as soon as practicable after the inquiry reference date”;
  - (c) for paragraph (3) there shall be substituted the following paragraph–
 

“(3) The report is to specify the percentage of the contributable salaries of persons entering pensionable employment on the day after the inquiry reference date at which contributions should be paid, during the period beginning and ending on days (following the date of the report) determined by the Secretary of State (“the relevant period”) so as to defray the cost of the payments of the kinds described in regulation G3(a) to (f) that are likely to be made in respect of them.”;
  - (d) in paragraphs (7) and (8) for “beginning on 1st April following the date of the report” there shall be substituted “beginning on the first day of the relevant period.”; and
  - (e) after paragraph (9) there shall be inserted the following paragraph–
 

“(9A) Any determination made by the Secretary of State for the purpose of this regulation shall be made with the consent of the Treasury.”.
5. In regulation G5(2) “starting on the 1st April” shall be omitted.
  6. In Schedule 1 the definition of “grant-maintained special school” shall be omitted.
  7. In Schedule 2 the following provisions shall be omitted–
    - (a) in paragraph 2 the words “which is not a grant-maintained special school or”;
    - (b) in paragraph 3 the words “or a funding authority within the meaning of section 26 of the 1996 Act”; and
    - (c) paragraph 4.
  8. In paragraph 9 of Schedule 15 in sub-paragraph (2)(a) and (b) for “starting on 1st April next following the 1996 report” there shall be substituted “starting on 1st April 2000”.

**Modification of provisions relating to actuarial inquiry as at 31st March 1996**

9.—(1) In this regulation–

“old regulation G4” means regulation G4 of the Teachers’ Superannuation (Consolidation) Regulations 1988(a) before the substitution effected by Schedule 1 to the Teachers’ Superannuation (Amendment) Regulations 1997(b);

“substituted regulation G7” means regulation G7 of the Teachers’ Superannuation (Consolidation) Regulations 1988 after the substitution effected by Schedule 1 to the Teachers’ Superannuation (Amendment) Regulations 1997; and

“the 1996 report” means the report on the actuarial inquiry (including the alternative actuarial inquiry referred to in substituted regulation G7) in relation to the Teachers’ Pension Account as at the end of the financial year ending with 31st March 1996.

(2) In its application (by virtue of paragraph 7 of Schedule 15 to the principal regulations) to the 1996 report old regulation G4 shall have effect as if for paragraph (3) there were substituted the following paragraph–

“(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 2000 and ending on a

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(a) S.I. 1988/1652.  
 (b) S.I. 1997/312.

date determined by the Secretary of State with the consent of the Treasury (“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.”.

(3) In its application (by virtue of paragraph 7 of Schedule 15 to the principal regulations) to the 1996 report and the employers’ contributions arising from that report, substituted regulation G7 shall have effect as if–

(a) for paragraph (3) there were substituted the following paragraph–

“(3) The report is to specify the percentage of 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 2000 and ending on a date determined by the Secretary of State with the consent of the Treasury (“the relevant period”) so as to defray the cost of the payments of the kinds described in regulation G6(a) to (f) that are likely to be made in respect of them.”;

(b) in paragraphs (7) and (8) for “beginning on 1st April next following the date of the report” there were substituted “beginning on 1st April 2000”; and

(c) in paragraph (10) for “beginning on 1st April next following the date of the 1996 Report” there were substituted “beginning on 1st April 2000”.

2nd March 1999

*Charles Clarke*  
Parliamentary Under Secretary of State,  
Department for Education and Employment

We consent,

5th March 1999

*Jim Dowd*  
*Clive Betts*  
Two of the Lords Commissioners of  
Her Majesty’s Treasury

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Teachers' Pensions Regulations 1997 ("the principal regulations").

Regulations 4 and 5 amend the provisions in regulation G4 and G5 of the principal regulations relating to actuarial reports on the Teachers' Pension Account. The regulations provide that each actuarial report is to be a report in relation to the account as at a date determined by the Secretary of State and that each report must specify the rate at which contributions should be paid during a period beginning and ending on days specified by the Secretary of State. Regulations 8 and 9 make special provisions relating to the actuarial report as at 31st March 1996.

Regulations 3, 6 and 7 make changes consequential on the new framework for maintained schools for which provision is made in Part II of the School Standards and Framework Act 1998.

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