

SCHEDULE 2

Regulation 6

Pensionable employment

PART 1

Employments pensionable without election

1. Teacher employed by—
 - (a) a local authority in connection with its education functions,
 - (b) a local authority in a school which the authority maintains,
 - (c) the governing body of a school maintained by a local authority, or
 - (d) an institution providing further or higher education (or both) maintained by a local authority.
2. Teacher employed—
 - (a) in an Academy, city technology college or a city college for the technology of the arts by the proprietor of such a school, or
 - (b) by the sponsor of a proposed Academy, and in this paragraph “sponsor of a proposed Academy” means any person who approaches the Secretary of State expressing an interest in establishing and maintaining an Academy with a view to creating a charitable company limited by guarantee and which company it is proposed will then enter into an agreement such as is described in section 482 of EA 1996 with the Secretary of State to establish and maintain the Academy.
3. Teacher employed by the proprietor of, or anyone else concerned in the management of, an accepted school (other than a teacher employed at an accepted school which is a member of COBISEC and is located in a member State other than the United Kingdom).
4. Teacher employed by a function provider in connection with the performance of a function or service in respect of which the function provider is accepted in accordance with regulation 14 (accepted function providers).
5. Teacher employed by the proprietor of, or anyone else concerned in the management of, a special school that is not maintained by a local authority.
6. Teacher employed by the governing body (as defined in section 90 of the Further and Higher Education Act 1992(1)) of an institution—
 - (a) which is within the further or the higher education sector (as defined in section 91 of that Act), and
 - (b) to which grants are made by the Secretary of State or the Welsh Ministers, a body to which grants are made by the Secretary of State or the Welsh Ministers,other than—
 - (i) a university or a college of a university,
 - (ii) the Royal College of Art, and
 - (iii) the establishment which, when teachers were employed there for the purposes of the Ministry of Defence, was known as Welbeck, the Defence Sixth Form College.

(1) 1992 c.13

7. Teacher employed by a university established on or after 6th May 1992 which, immediately before it became such fell within paragraph 6(a) or (b).
8. Teacher employed by the proprietor of—
 - (a) a community home as defined in section 53 of the Children Act 1989(2),
 - (b) a voluntary home as defined in section 60(3) of that Act, or
 - (c) a home provided in pursuance of arrangements under section 82(5) of that Act.
9. Teacher employed by a local authority or by a voluntary organisation in an establishment which provides facilities under arrangements approved under section 66 of the Powers of Criminal Courts (Sentencing) Act 2000(4).
10. Teacher employed by the Secretary of State or the Welsh Ministers in a special hospital provided by the Secretary of State or the Welsh Ministers under section 4 of NHSA 2006 or section 4 of NHSWA 2006.
11. 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) by the Secretary of State or the Welsh Ministers in a hospital provided by the Secretary of State or the Welsh Ministers under NHSA 2006 or NHSWA 2006,
 - (b) by a voluntary organisation to which financial assistance is given by a local authority or facilities are made available under section 12 of NHSA 2006 or section 10 of NHSWA 2006, or
 - (c) by a local authority in the exercise of its functions under paragraph 2 of Schedule 20 to NHSA 2006 or paragraph 2 of Schedule 16 to NHSWA 2006.
12. Teacher employed by the Secretary of State in a European School (that is to say an establishment such as is described in article 2 of the European Communities (European Schools) Order 1972(5)).
13. Organiser employed as a youth and community worker by a local authority in the exercise of its functions under sections 15, 507A, 507B(6) or 508 of EA 1996.
14. Teacher employed by the Field Studies Council.

PART 2

Employments pensionable on election

15. Teacher employed by the proprietor of an institution for the further education and training of disabled persons.
16. Teacher, supervisor or youth worker employed for the purposes of the Ministry of Defence in service with, or for purposes connected with, the armed forces of the Crown unless—
 - (a) the employment is pensionable under the Principal Civil Service Pension Scheme(7), or

(2) 1989 c.41

(3) Section 60 was amended by the Care Standards Act 2000 (c.14) Schedule 4 paragraph 14(9).

(4) 2000 c.6

(5) S.I. 1972/1582

(6) Section 507A and 407B were inserted by section 6(1) of the Education and Inspections Act 2006 (c.40).

(7) The Principal Civil Service Pension Scheme is made by the Minister for the Civil Service under section 2 of the Superannuation Act 1972.

- (b) the teacher, supervisor or youth worker was engaged outside the United Kingdom and was not previously in pensionable employment.

17. Organiser employed by—

- (a) a diocesan board of education established under the Diocesan Boards of Education Measure 1991⁽⁸⁾;
- (b) a body affiliated to the National Open College Network;
- (c) a Roman Catholic diocesan schools commission.
- (d) the Inspiring Futures Foundation;
- (e) the Royal National College for the Blind;
- (f) the Stapleford Centre.

PART 3

Employments pensionable on election with employer consent

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

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

20. Organiser employed by—

- (a) the United Kingdom Sports Council,
- (b) the English Sports Council,
- (c) the Sports Council for Wales, or
- (d) any other person, other than a local authority, to whom grants—
 - (i) are made by any of those Councils or by a local authority in exercise of education functions, or
 - (ii) are or have been made by the Secretary of State or the Welsh Ministers,in respect of expenditure incurred for the purpose for which the organiser is employed.

21. Organiser employed as a youth and community worker by a body to which grants are made by a local authority in the exercise of its functions under sections 15 or 508 of EA 1996.

22. Organiser employed by—

- (a) Action for Blind People;
- (b) the Association of Christian Teachers;
- (c) the Association of Business Schools;
- (d) the Assessment and Qualification Alliance;
- (e) the City and Guilds of London Institute;
- (f) the Catholic Education Service;
- (g) EMFEC;

⁽⁸⁾ 1991 No. 2

Status: This is the original version (as it was originally made).

- (h) the Field Studies Council;
- (i) Macmillan Cancer Support;
- (j) the North East Religious Learning Resources Centre Limited;
- (k) the North of England Institute for Christian Education;
- (l) SCOPE.

23. Teacher employed by a university who was employed by an institution mentioned in paragraph 1(d) or 6 immediately before the institution became part of the university.

24. Teacher or organiser employed by a body formerly falling within paragraph 19, 20 or 21 which is a non-profit-making body whose principal source of funding is fees paid by a local authority.

25. Teacher employed by the proprietor of, or anyone else concerned in the management of, an accepted school which is a member of COBISEC and located in a member State other than the United Kingdom.