
GUERNSEY STATUTORY INSTRUMENT *No I of 1994*

The Teachers' Superannuation (Guernsey)
Regulations, 1994

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THE STATES EDUCATION COUNCIL, in exercise of the powers conferred upon it by sections 1 and 3 of the Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974(a), hereby orders:-

PART I
PRELIMINARY

Citation, commencement and extent.

1.(1) These Regulations may be cited as the Teachers' Superannuation (Guernsey) Regulations, 1994, and shall be deemed to have come into operation on the 1st November, 1988.

(2) These Regulations shall have effect in the Islands of Guernsey, Herm and Alderney.

Interpretation.

2.(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 the directions given against it in that column.

(a) Ordres en Conseil Vol. XXIV, p. 265.

(2) The Interpretation (Guernsey) Law, 1948(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of a Guernsey enactment.

(3) In these Regulations, unless the context otherwise requires -

(a) any reference to an enactment is a reference to that enactment as amended, repealed, replaced, extended or applied by or under any other enactment; and "enactment" includes any provision having effect under or by virtue of an enactment;

(b) any reference to a regulation, part or schedule not otherwise identified is a reference to a regulation or part of, or a schedule to, these Regulations; and any reference to a section, paragraph or sub-paragraph not otherwise identified is a reference to a section of the part, a paragraph of the regulation or a sub-paragraph of the paragraph in which the reference occurs;

(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; and

- (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.

(4) 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.

(5) 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 II

PENSIONABLE EMPLOYMENT

Full-time employment.

3.(1) Subject to regulation 6, a person is in pensionable employment while he is in full-time employment -

- (a) as a teacher employed by, or in a school or establishment of further education maintained by, the States; or
- (b) as a teacher in a school in respect of which grants are made by the States to the person responsible for its management or its governing body as the case may be; or

(c) subject to paragraph (3), as an organiser or supervisor employed by the States at the Education Department, where such person was formerly a teacher within paragraph (a) or (b) hereof or in comparable British service;

(d) subject to paragraph (3), as an organiser employed as a youth and community worker by a body to whom grants are made by the States in the exercise of their functions under section 23 or 43 of the Education (Guernsey) Law, 1970(c).

(2) Subject to paragraph (3), a person may be treated as in pensionable employment where he is in the full-time employment of the States otherwise than as a teacher, organiser or supervisor and where he was formerly in comparable British service.

(3) Full-time employment in a capacity described in paragraphs (1)(c) and (d) and (2) is not pensionable unless the person has elected that it is to be so by giving written notice to the Council within three months after the start of the employment and such election is made with the consent of the employer.

Part-time employment.

4.(1) Subject to paragraph (2) and regulation 6, 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 is employed in a capacity described in regulation 3(1) or (2).

(2) A person is not in pensionable employment by virtue of paragraph (1) while 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 Council, and

(b) unless the Council specifies an earlier date, has effect from the first day of the month following that in which the Council notifies the person making it of its acceptance or such earlier date as may be approved, and

(c) shall be irrevocable.

Employment in accepted school.

5.(1) Subject to paragraph (2) and regulation 6, 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 (6), an establishment is an accepted school if:

- (a) immediately before 1st November 1988 it was an accepted school for the purposes of the 1978 Regulations,
- (b) it has been accepted by the Council for the purposes of this regulation.

(4) An establishment may only be accepted if its governing body has made a written application to the Council.

(5) No establishment need be accepted but if an establishment is accepted its acceptance takes effect as from a date to be agreed between the Council and the governing body, which must be -

- (a) the first day of a month later than that in which the application was made, or
- (b) if the establishment was constituted by an amalgamation, either the first day of such a month or the date of the amalgamation.

(6) 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 Council.

(7) Notice for the purpose of paragraph (6) may be given if the governing body -

(a) has made a written application to the Council for the establishment to cease to be an accepted school, or

(b) has failed to pay or remit contributions to the Council, or

(c) has failed to comply with regulation 69 (records and information) or any other provision of these Regulations relating to pensionable employment.

(8) Paragraphs (4) to (7) 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.

(9) In this regulation "governing body" includes any person by whom teachers are employed.

Exclusion from pensionable employment.

6.(1) A person is not in pensionable employment unless he is -

(a) at least 18 years old 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 1978 Regulations (employments treated as not being reckonable service by previous provisions) was not pensionable employment.

(3) A person is not in pensionable employment -

(a) if he was ordinarily resident outside the British Islands before becoming employed, if and for so long as the Council is satisfied both that the employment will be for less than 2 years and that, when it is completed, he will cease to be resident within the British Islands;

(b) if, having entered the employment for the first time after attaining the age of 58 without having previously been employed in comparable British service in respect of which the Council received a transfer value under interchange provisions, he so elects by notice in writing to the Council within three months of his becoming so employed.

PART III
TEACHERS' CONTRIBUTIONS

Salary on which contributions are payable.

7.(1) Subject to paragraphs (2) to (9), 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 liability arising out of sickness or maternity, and

(b) if the employer has satisfied the Council 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) 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").

(5) An election for the purposes of paragraph (4)

- (a) must be made by giving written notice to the Council 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 (7), continues to have effect until a relevant event occurs.

(6) 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 14, his ceasing to be in pensionable employment.

(7) An election made for the purposes of paragraph (4) may be cancelled by giving written notice to the Council at any time.

(8) Notice of cancellation -

- (a) has effect from the first day of the month following that in which it was received, and
- (b) is irrevocable.

(9) If while an election made for the purposes of paragraph (4) 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.

8.(1) Subject to paragraph (2), a person who is in pensionable employment is to pay contributions of 6 per cent of his contributable salary for the time being.

(2) No contributions are to be paid by anyone to whom regulation 56(2)(a) "(restriction of reckonable service to 45 years) has become applicable.

Additional contributions for past period.

9.(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 31(2) or (3).

(2) Subject to paragraphs (3) to (11), a person to whom this regulation applies may elect to pay additional contributions in accordance with -

- (a) Part I of Schedule 3 ("Method A"),
- (b) Part II of Schedule 3 ("Method B"),
- (c) Part III of Schedule 3 ("Method C"), or
- (d) where paragraph (5) applies, Part IV of Schedule 3 ("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 to make payment by Method A and the notice of it contained a statement of the kind mentioned in paragraph (11)(d)(ii), and

(c) he has not elected under paragraph 4 of Schedule 3 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 2, and

(a) must have begun on the date when or 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 31(6) (redundancy, etc.) or 31(7) (self-funded early retirement), 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 3;
- (e) if payment is to be made by Method C, must satisfy paragraph 13 of Schedule 3, and

(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

(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 23 (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 3, and

(b) where payment is to be made by Method C, satisfy paragraph 13 of Schedule 3.

(9) Subject to paragraph (10), an election under this regulation may be made at any time.

(10) 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.

(11) An election under this regulation must be made by giving written notice to the Council, 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.

(12) Where the Council has notified the person in writing that his election under this regulation has been accepted, the person may at any time revoke the election by giving written notice to the Council but, in the case of such election being so revoked, any additional contributions paid up to that time are not to be refunded.

(13) Where an election to make payment by Method C is revoked, a further election to make payment by that Method cannot be made until at least five years have elapsed from the time the election is revoked.

(14) A revocation of an election under this regulation has effect only if the Council notifies the person in writing that it has been accepted.

(15) 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 (11)(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.

(16) In this regulation "further election" means an election 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.

10.(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 31 to payment of retirement benefits, and

(ii) would on applying for them have become^s entitled under regulation 9 to elect to pay additional contributions by Method D, and

(b) another person ("the pensioner") is entitled under regulation 51 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 Council 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 9.

(3) Subject to paragraph (4), an election under this regulation has effect as if it had been made under regulation 9 by the deceased person.

(4) The additional contributions -

(a) are to be calculated under paragraph 16(1) of Schedule 3 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.

11.(1) Part I of Schedule 4 has effect where immediately before 1st November 1988 additional contributions remained to be paid by virtue of regulations 23 to 26 of the 1978 Regulations.

(2) Part II of Schedule 4 has effect where immediately before 1st November 1988 additional contributions remained to be paid by virtue of regulation 27 of the 1978 Regulations (payments commenced before 1973).

Reduction of past period on account of war service.

12.(1) This regulation applies where -

- (a) an election has been made under regulation 9 or 10, 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 27, 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 56(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.

13.(1) This regulation applies to a person who became entitled by virtue of regulations 7 and 69(1)(b) of the 1978 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 52 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 52(4)(c).

(10) An election under paragraph (8) must be made by giving written notice to the Council 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.

14.(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, 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 2, 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) The contributions payable by the person in respect of a current period shall be equal to the aggregate of the contributions which would have been payable in respect of those years if he had continued to be employed in pensionable employment at the salary which in the opinion of the Council he could have expected to receive if he had been so employed:

Provided that contributions payable under this regulation shall not exceed the amount of the contributions which would have been payable in respect of those years under the corresponding provision of the superannuation scheme for teachers in public employment in England and Wales for the time being in force.

(7) So much of the contributions paid by a person under this regulation as is equal to the contributions which would have been payable by him if he had continued to be employed in pensionable employment shall be treated as having been paid by way of teachers' contributions and the remainder shall be treated as having been paid by way of employer's contributions.

(8) The contribution for a financial year is to be paid direct to the Council -

(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 Council that payment is due, whichever is the later.

(9) A late payment of a contribution may for special reasons be accepted by the Council; 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 Council, 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.

Additional contributions for current period: service in a reserve force

14A.(1) This regulation applies to a person who has ceased to be in pensionable employment by virtue of being called into service in pursuance of section 26(1)(a) of the Reserve Forces Act 1980 ("the 1980 Act") where an order is in force under section 10(1) of that Act authorising the calling out of a reserve force within the meaning of that section: provided that the person does not apply for payment of any retirement benefits to which he would otherwise be entitled on ceasing to be in such employment.

(2) Subject to paragraphs (10) and (11), 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 and ending with the date on which he is released from service in a reserve force in pursuance of section 29 of the 1980 Act or any earlier date on which that service is terminated by the appropriate service authorities.

(3) 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.

(4) 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 6 per cent.

(5) Subject to paragraphs (7) and (8), an election under this regulation must be made by giving written notice to the Council and must be given at any time between the cessation of pensionable employment and 6 months after the return to pensionable employment after the end of the period.

(6) An election has effect only if any contribution under this regulation is paid by the person within three months of the date of a written notification by the Council that payment is due to him; and provided that the person pays all contributions and payments payable by him in respect of the period in accordance with an election or elections made by him under regulation 9 (taken with Schedule 3), regulation 15 (taken with Schedule 5) and regulation 20.

(7) Where an election is made before the end of the period it must specify the day on which the period begins; and where an election is made after the end of the period it must specify the period.

(8) Subject to paragraph (9), where the person dies during his service in a reserve force without having made an election under this regulation, he shall be deemed to have made such an election so that the period beginning on the day after the cessation of the pensionable employment and ending with the date of his death shall count as reckonable service.

(9) Any contribution due under this regulation at the date of such death shall be deducted from any benefits payable under these Regulations.

(10) Notwithstanding that a person to whom this regulation applies has not made an election under this regulation, he shall be entitled to count the period as reckonable service where during the period his service pay, when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, is less than the remuneration he would have received if he had during the period continued in the pensionable employment in which he was employed immediately before being called into service in a reserve force.

(11) For the purposes of paragraph (10), "service pay" means pay for performing service in a reserve force, and includes marriage, family and other similar allowances.

Additional contributions for family benefits.

15.(1) Parts I and III of Schedule 5 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 5 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.

16.(1) Subject to paragraphs (3) and (4), this Regulation applies where a person has ceased to be in pensionable employment and -

- (a) he is not qualified for retirement benefits, and

- (b) no transfer value has since been paid or become payable in respect of him, and
- (c) he did not within the relevant period re-enter pensionable employment, and
- (d) the relevant period is not a period, or part of a period, for which he has elected to pay additional contributions under regulation 14.

(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) the salary on which contributions were payable by him under previous provisions in any year had exceeded £5,000.

(4) If the Council 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, it may 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, and
- (b) if she has exercised that right, as not having ceased to be in pensionable employment.

(6) Subject to regulation 19 (application for repayment), where this regulation applies the person is entitled to be repaid the balance of his contributions, calculated in accordance with regulation 17.

(7) The entitlement takes effect at the end of the relevant period, or on his 70th birthday if earlier.

Calculation of balance of contributions.

17.(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 amount of any previous repayment of contributions, and

C is the amount of the tax chargeable on

$(A-B)$ under section 153 of the Income Tax (Guernsey) Law, 1975(d).

(3) The amounts are those of -

(a) all contributions paid, up to the date of receipt of the application for repayment, under regulations 8, 9, 14 and 15, except -

(i) any treated for the purposes of regulation 64 as employer's contributions, and

(ii) any paid in respect of a period of employment for which a short service incapacity grant under regulation 43 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

(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.

Repayment of certain contributions paid for family benefits.

18.(1) This paragraph applies where a member who has made no election under paragraph 3 of Schedule 5 -

- (a) becomes entitled under regulation 16 to the repayment of the balance of his contributions, or
- (b) becomes entitled to have a transfer value paid under regulation 59, unless by giving written notice to the Council 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 19, 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

(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 153 of the Income Tax (Guernsey) Law, 1975.

(7) Subject to regulation 19, where a member who has made no election under paragraph 3 of Schedule 5 dies and he was entitled under regulation 16 to be repaid the balance of his contributions or -

(a) a death grant is payable under regulation 45, 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.

19.(1) An amount to which a person is entitled under regulation 16 or 18 is to be paid to him only if the Council receives a written application for payment and paragraph (2), if applicable, is complied with.

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

Return of repaid contributions.

20.(1) A person to whom contributions were paid 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 Council, elect to return the contributions, with interest, to it.

(2) The return must be made while the person is in pensionable employment or comparable British service and -

- (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 22,

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 Council after consulting the person making the election.

(8) The annual amount of instalments paid under paragraph (7) is not to exceed (A-B), 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, and
- B is the excess over 6 per cent of that rate of any amounts to be deducted under regulation 22.

Uncompleted return by instalments of repaid contributions.

21.(1) This regulation applies where instalments are payable by a person under regulation 20(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 20 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 20(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 14, elect to pay the balance outstanding by instalments under regulation 20(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 20 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 January 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.

22.(1) The employer of a person in pensionable employment is to deduct from his salary each month -

- (a) the contributions payable under regulation 8(1),

- (b) any additional contributions payable in accordance with Part I or III of Schedule 3 as a result of an election under regulation 9,
- (c) any additional contributions payable by virtue of regulation 11 or 13, and
- (d) any instalments payable under regulation 20(5),

and any amount not so deducted in any month is to be deducted from the employee's salary no later than 31st January 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 Council 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 Council under paragraph (2) or (3) may be recovered by deducting it from any benefits payable under Part V.

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

(6) If any amount to which paragraph (5) applies, except one due under regulation 14, 20 or 21, 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 IV
RECKONABLE SERVICE

Reckonable service generally.

23.(1) Subject to regulation 24, 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 25 to 27 or of regulation 62(7) (receipt of transfer value),
- (c) any period which does not count by virtue of sub-paragraph (a) or (b) which immediately before 1st November 1988 counted as reckonable service under regulation 4(1) of the 1978 Regulations,
- (d) any period which immediately before 1st November 1988, under regulations 7 and 69(1)(a) of the 1978 Regulations (war service), was capable of counting as reckonable service for the purpose of calculating benefits under Part III of those Regulations,

- (e) any period of specified country service; and
- (f) subject to the payment of requisite contributions under Part II, the period counting as reckonable service by virtue of regulation 14A (service in a reserve force).

(2) Where during a financial year a person has spent one or more periods in part-time pensionable employment each such period counts as -

$$365 \quad x \quad \frac{A}{B}$$

days of reckonable service 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) reduction in contributable salary during a period of sick leave or during a period of maternity leave when the person is entitled to be paid not less than half her salary,

- (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.

24. 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 59,

and where a period related to war service counted by virtue of regulation 4(1)(d) or regulations 7 and 69(1)(a) of the 1978 Regulations, regulation 27 does not apply.

Past period for which additional contributions have been paid.

25.(1) A person -

- (a) who has paid additional contributions for a past period in accordance with Part II or Part IV of Schedule 3, or
- (b) who has completed payment of additional contributions in accordance with Part I or Part III of Schedule 3, or with Schedule 4,

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 3, or has continued to pay them in accordance with Schedule 4, but who has not completed payment is entitled to count as reckonable service a period calculated in accordance with Schedule 6.

Current period for which additional contributions have been paid.

26. A person who has paid additional contributions for a current period in accordance with regulation 14 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 23 if he had continued in that employment.

War Service.

27.(1) "War service" means such service over the age of 18 as is mentioned in section 1 of the Superannuation Act 1946 at any time between the beginning of September 1939 and the end of March 1949 of a teacher to whom this regulation applies, but does not include any such service which was, or is treated as, contributory service (by reference to the Acts of 1918 to 1956) or in respect of which there is payable a naval pension, a service pension (within the meaning of the Recall of Army and Air Force Pensioners Act 1948) or retired pay.

(2) Subject to paragraph (3), this Regulation applies to any teacher who after war service and without having first been employed in comparable British service, was first employed in reckonable service for the purposes of the 1978 Regulations or previous provisions before July 1950, or after June 1950 on the completion of either -

(a) a course of training approved for the purposes of any regulation relating to the qualification of teachers made under section 100 of the Education Act 1944 (as originally enacted), being -

(i) a course provided under the scheme for the emergency recruitment and training of teachers established by the Ministry of Education or any scheme to the like effect established by the Scottish Education Department or the Ministry of Education, Northern Ireland; or

(ii) a course in respect of which grants were paid to him under the Ministry of Education (Further Education and Training) Grant Regulations 1946 or the Further Education and Training Scheme administered by the Scottish Education Department; or

(iii) a course which he had begun before July 1950; or

(b) if he had begun the final year of the course before November 1950, any such course as is mentioned in regulation 30(1) (four year first degree and teacher training courses) of the Training of Teachers Grant Regulations 1948.

(3) This Regulation does not apply to a teacher if the first period of his reckonable service referred to in paragraph (2) is not treated as reckonable service for the purpose of calculating any benefit.

(4) In this Regulation "reckonable service" includes service which was contributory service by virtue of a scheme made under section 21(1)(a) of the Teachers (Superannuation) Act 1925 and having effect in the Island.

(5) Any question arising under this Regulation as to whether a teacher became employed in reckonable service on the completion of a course to which paragraph (2) applies shall be determined by the Council and the decision of the Council shall be final.

PART V BENEFITS

Guaranteed minimum pensions in certain cases.

28.(1) This Regulation applies where a person has been credited by virtue of interchange provisions with a period of service in respect of which he had a guaranteed minimum and in respect of which a contributions equivalent premium has not been paid.

(2) Where this regulation applies it overrides anything in these Regulations that is inconsistent with it, except regulations 40 (abatment on re-employment) and 44(2) (deferment etc.).

(3) Where this regulation applies and the person has a guaranteed minimum -

- (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 Social Security Pensions Act 1975, 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 Social Security Pensions Act 1975 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 Social Security Pensions Act 1975 and "tax year" means a period of 12 months beginning with 6th April.

(6) This regulation shall not apply in any case where the Council has purchased an annuity or insurance policy approved by or on behalf of the Secretary of State securing the payment to the person at and after state pensionable age of a pension at a weekly rate equal to the weekly rate of his guaranteed minimum pension and in such a case the person shall be treated for the purposes of these regulations as never having been so entitled.

Nature of retirement benefits.

29. Retirement benefits consist of -

(a) a retirement pension, and

(b) a retirement lump sum,

calculated in accordance with this Part.

Qualification for retirement benefits.

30.(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 50 of the 1978 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 every period of a kind described in paragraph (7), excluding any contributions refund period.

(3) If the person was in pensionable employment, or paying contributions for a current period under regulation 14, 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; and any period of the kind described in paragraph (7)(d) (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 if he has a guaranteed minimum in relation to benefits under these Regulations pursuant to regulation 28.

(7) The periods referred to in paragraph (2) are -

(a) a period of pensionable employment;

- (b) a period counting as reckonable service by virtue of regulation 25 (which applies where additional contributions have been paid for a past period) or regulation 26 (which applies where additional contributions have been paid for a current period);
- (c) a period counting as admitted service or specified country service;
- (d) a period of service or employment in respect of which a transfer value has been received.

Entitlement to payment of retirement benefits.

31.(1) Subject to regulation 57(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 C.

(3) In Case B the person -

- (a) has attained the age of 60,

(b) has ceased after 31st March, 1972 and after attaining that age to be in pensionable employment, but would have ceased to be in such employment before attaining that age had not the employment continued beyond the attainment of that age due to a period of paid sick leave, and

(c) has become incapacitated before attaining that age.

(4) In Case C the person -

(a) has attained the age of 70, and

(b) is in an employment which would be pensionable employment but for regulation 6(1)(a).

(5) In Case D 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 E.

(6) In Case E 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 D,

and his pensionable employment was terminated by the States (or where he was employed otherwise than by the States, if the Council is satisfied that his service has been terminated) by reason of his redundancy or in the interests of the efficient discharge of his employer's functions PROVIDED that this regulation shall not apply in the case of a person who is incapacitated when his employment is terminated.

(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 D, and

(e) has, on or after 1st August 1993 given to the Council at least 12 months' written notice (or such shorter period of written notice as the Council may accept in his particular case) of his election for actuarially reduced benefits.

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

(9) In Case D 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 Council in determining under regulation 73 that the person had become incapacitated.

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

(11) In Case F the entitlement takes effect as from the date specified in that regard in the written notice referred to in paragraph (7)(e) ("the specified date").

(12) In Case F the written notice may be given either whilst a person is currently employed in reckonable service or if he has left reckonable service provided, in either case, that the specified date is not earlier than the date on which he attained or will attain the age of 50.

(13) In Case F the person concerned shall be entitled to benefits as specified in regulation 34(6)

(14) A notice given under paragraph (7)(e) of this Regulation may be withdrawn, by a further notice in writing given to the Council by the person concerned, at any time before, but not on or after, the specified date.

(15) In Case F if in accordance with regulation 28 a person has been credited by virtue of interchange provisions with a period of service in respect of which he had a guaranteed minimum pension and in respect of which a contributions equivalent premium has not been paid, he cannot make an election for actuarially reduced benefits if his pension would then be below the guaranteed minimum pension revalued in accordance with regulation 71.

Amount of retirement pension.

32.(1) Subject to paragraphs (2) to (4) and regulations 34 to 36, the annual rate of a person's retirement pension is 1/80th 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 25 (past period purchased by additional contributions), and

(b) by reason of regulation 56(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 1/350th of his average salary.

(3) If -

(a) the person has a guaranteed minimum pursuant to regulation 28, 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.

Amount of retirement lump sum.

33.(1) Subject to paragraph (2) and regulations 34 and 35, 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 25.

(2) If -

(a) the person's reckonable service includes service before 1st October 1956, and

(b) his effective reckonable service is restricted by regulation 56(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 in certain cases.

34.(1) Paragraphs (2) to (5) of this regulation apply to a person who has made an election under regulation 7(4) (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	$\frac{2}{5}$
51	$\frac{3}{10}$
52	$\frac{1}{5}$
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 3/80ths of the appropriate sum multiplied by the total of his reckonable service and the period ascertained, by reference to the number of complete years 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.

(6) This paragraph applies to a person who has been granted actuarially "reduced benefits by the Council in accordance with regulation 31(7). The person concerned shall be entitled, in place of any other benefits to which he may otherwise have become entitled

(a) on the specified date, to an actuarially calculated proportion of the retirement lump sum (as calculated under regulation 33) to the payment of which he would have become entitled under regulation 31(2) if he had attained the age of 60 on the specified date, and

(b) thereafter, to an actuarially calculated proportion of the retirement pension (as calculated under regulation 32) to the payment of which he would have become entitled under regulation 31(2) if he had attained the age of 60 on the specified date.

(7) The actuarially calculated proportions referred to in paragraph (6) of this regulation are such as are ascertainable by reference to tables prepared by an actuary appointed by the States and published by the Council for the purposes of this Rule as at the specified date.

Enhancement of retirement benefits in case of incapacity or redundancy.

35.(1) Paragraphs (2) to (8) of this Regulation applies to a person who has become entitled to payment of retirement benefits by virtue of regulation 31(5) 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 regulation 30(7) totalling at least 5 years, excluding any contributions refund period, and
- (b) the application for payment required by regulation 57(2) is made within 6 months after the end of his pensionable employment.

(2) Subject to regulation 56(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 paragraphs (2) to (8) of 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 25 (past period purchased by additional contributions), or

(b) by virtue of the application to him of regulation 7 of the 1978 Regulations (war service).

(8) For the purposes of this regulation a person is to be treated as having been in pensionable employment during any period for which he was paying additional contributions under regulation 14 or under regulation 14A.

(9) The Council may credit a person who has become entitled to payment of retirement benefits by virtue of regulation 31(6) by reason of redundancy etc. with a notional period of additional service for the purpose of enhancing his retirement benefits by virtue of this regulation, so however, that such period shall not exceed whichever is the shortest of the following periods, that is to say-

- (a) a period of 10 years,
- (b) a period equivalent in length to the aggregate of his reckonable service and qualifying service (that is to say, employments counting towards qualification for retirement allowances),
- (c) a period which, when added to his reckonable service does not exceed forty years, and
- (d) a period equivalent in length to the period beginning with the day immediately following that on which he was prematurely retired and ending with the day he attains the age of 65;

and such notional period of additional service shall for the purposes of calculating such benefits, be deemed to be a period of reckonable service.

Avoidance of duplicate pensions.

36.(1) No allowance shall be payable in respect of any period of service which has become reckonable as service under the States of Guernsey Civil Service (Pensions and other Benefits) Rules, 1972.

(2) For the purposes of this Regulation any years of service added to reckonable service for the purposes of calculating a pension shall be deemed to be service, and 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, shall be deemed to be pension.

(3) An allowance shall not be so reduced under this Regulation as to make its actuarial value in respect of the period in question less than the actuarial value of the contributions paid by the teacher in respect of that period, and for the purposes of this paragraph the amount of those contributions shall be taken to include -

- (a) all contributions paid under regulation 14 or any previous provision to the like effect; and
- (b) compound interest on those contributions calculated at the rate of 3 per cent per annum with yearly rests from the first day of the financial year following that to which they are attributable to the date on which the allowance begins to accrue.

Allocation of part of retirement pension.

37.(1) A person who has become qualified for retirement benefits may, unless he becomes entitled to payment of them by virtue of regulation 31(5) (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 an actuary appointed by the Council.

(4) An allocation is to be made by delivering a declaration to the Council, 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 8.

Duration of retirement pension.

38. Subject to regulations 39 to 41 and 44, a retirement pension continues to be payable, at the rate at which it initially became payable in accordance with regulation 32, until the death of the person entitled to it.

Pensioner ceasing to be incapacitated.

39.(1) This regulation applies where a person who became entitled to payment of a teacher's pension by virtue of regulation 31(5) ceases to be incapacitated.

(2) On his ceasing to be incapacitated the pension ceases to be payable.

(3) Subject to paragraph (4) and to regulation 57(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 40 as one to the payment of which he has become entitled by virtue of regulation 31(2).

Abatement of retirement pension during further employment.

40.(1) This Regulation applies while a person who has become entitled to payment of a teacher's pension is employed -

(a) in pensionable employment or comparable British service, or

(b) in part-time employment described in regulation 4(1).

(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 regulation 44(1),
- 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 or, if applicable, the highest annual rate of contributable salary that was payable to him during the 3 years ending immediately before he ceased to be employed in any pensionable employment entered into by him after he became entitled to payment of the pension, whichever is the greater,
- 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 37.

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

(a) If F 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

$B + F$ does not exceed $C + D - E$,

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 year.

(5) The pension year is the period commencing on the date when the pension is increased under regulation 44(1) and terminating on the day immediately preceding the next such increase.

Retirement benefits on cessation of further employment.

41.(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 35 (1) to (8) (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 35 (1) to (8) he becomes entitled to payment of the first pension and of additional retirement benefits in respect of the further employment.

Short service annuity.

42.(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 44(2) of the 1978 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 17 as at his 60th birthday.

Short service incapacity grant.

43.(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 $\frac{A}{12} \times B$, 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.

Increase in rates of benefits, deferment etc.

44.(1) The annual rate or amount of any benefit under this Part shall be increased by the Council so as to maintain parity as between the annual rate or amount of such benefit and the annual rate or amount of the corresponding benefit payable under the superannuation scheme for teachers in public employment in England and Wales for the time being in force.

(2) The Council may defer or, as the case may be, suspend for so long or reduce by so much as it may determine the payment of any benefit payable apart from this regulation in respect of a person who is convicted of any offence committed before the benefit became payable which in the opinion of the Council has been gravely injurious to the public interest or may be liable to lead to serious loss of confidence in the public sector.

(3) If the person has a guaranteed minimum in relation to benefits under these Regulations, a determination under paragraph (2) may not deprive him of his guaranteed minimum pension after he attains state pensionable age.

(4) In the case of a person who has not attained the age of 55 and has been granted early retirement under regulation 31(7) (self-funded early retirement) the annual rate or amount of any benefit shall be increased as under paragraph (1), but with immediate payment of any increases due instead of deferment of such increases until after the person has attained the age of 55.

Death grants.

45.(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 14 or under regulation 14A, 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 -

- (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 31(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 51 to a surviving spouse or a nominated beneficiary,

a death grant equal to the balance of his contributions, calculated in accordance with regulation 17 as at the date of his death, may be paid.

(7) Where any death grant is paid under this regulation it is to be paid -

- (a) if the deceased is survived by one widow or by a widower, to the widow or widower,
- (b) if there are two or more widows, to the widows in equal shares, or
- (c) if there is no widow or widower, to the personal representatives.

Supplementary death grants.

46.(1) 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 36 (avoidance of duplicate pensions) or 40 (further employment), and any part of a pension allocated under regulation 37, 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) Where any death grant is paid under this regulation it is to be paid -

- (a) if the deceased is survived by one widow or by a widower, to the widow or widower,
- (b) if there are two or more widows, to the widows in equal shares, or
- (c) if there is no widow or widower, to the personal representatives.

Family benefits generally.

47.(1) Pensions are payable in accordance with regulations 49 to 54 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 14, 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 to 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 48 to 54 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) 31st December or 30th April or 31st August 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 such annual rate as may from time to time be determined by the Council.

(8) References in regulations 49 to 54 to a nominated beneficiary are to a person nominated under regulation 48.

Nomination of beneficiaries.

48.(1) Subject to paragraph (2), an unmarried person ("the appointor") may at any time while in pensionable employment, by giving written notice to the Council, 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 49 to 54.

(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 Council, 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.

49.(1) Subject to paragraphs (3) and (4), 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 14, 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 (4)(a), to any surviving spouse, or
- (b) if a nomination under regulation 48 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) Where two or more teachers confer on the same child or, as the case may be, children entitlement to a short-term pension, regulation 51(9)(b) shall apply in a like manner to short-term pensions payable by virtue of this regulation.

(4) 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 51 to a long-term pension.

Amount and duration of short-term family benefits.

50.(1) Subject to paragraph (2), the annual rate of a short-term pension under regulation 49 -

- (a) if regulation 49(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 49(1)(b) applies, is the annual rate, at the time of his death, of the notional salary described in regulation 14(6),
 - (c) if regulation 49(1)(d) applies, is the annual rate, at the time of his death, of his retirement pension, and
 - (d) if regulation 49(1)(a) and (d) both apply, is the total of the rates specified in sub-paragraphs (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 51,

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

(3) Subject to paragraph (4), the duration of the short-term pension payable shall be ascertained from the table below.

TABLE

Category	Person falling within regulation 49(1)	Duration of pension
1	Spouse or nominated beneficiary but with no child	3
2	Spouse or nominated beneficiary with one child or more	6
3	No spouse or nominated beneficiary but one child or more	6

(4) On the death of a spouse or nominated beneficiary before the termination of the short-term pension payable under Category 2 of the table in paragraph (3), the balance of pension is payable to the child or children, as the case may be.

Entitlement to long-term family benefits.

51.(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 sub-paragraph (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 14,
- (c) any period for which additional contributions have been paid under regulation 9 or 11(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 62,
- (f) any period counting as reckonable service by virtue of regulation 32 of the 1978 Regulations (special provision relating to period from December 1973 to March 1974),
- (g) any period in respect of which family benefit contributions have, or are to be treated as having, been paid under Part I of Schedule 5, and
- (h) 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 5.

(4) In relation to a widower not falling within paragraph (3), 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 9 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 5, and
- (d) if the deceased entered pensionable employment after 5th April 1988 and a transfer value offered in respect of him was accepted under regulation 62, any period counting as reckonable service by virtue of the receipt of the transfer value.

(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 48 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 subparagraph (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) unless family benefit contributions have, or are to be treated as having, been paid under Part II of Schedule 5, no long-term pension is payable to a widower if one is payable to another person as a nominated beneficiary.

(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) If neither paragraph (5) nor paragraph (7) applies but the deceased had a guaranteed minimum and leaves a surviving spouse, a long-term pension is payable to the surviving spouse.

(9) (a) Sub-paragraph (b) applies where two or more teachers, by virtue of this regulation, confer on the same child or, as the case may be, children entitlement to a long-term pension.

- (b) The child or, as the case may be, children shall be entitled to receive payment of the long-term pension in respect of not more than two teachers; but where entitlement derives from the relevant service of three or more teachers, the child, or, as the case may be, children shall be entitled to receive payment of the long-term pension in respect of the two teachers which by virtue of their relevant service provide pensions of the largest amounts.

Amount of spouses' and nominated beneficiaries' long-term pensions.

52.(1) Subject to paragraphs (2) and (11), the annual rate of a pension payable under regulation 51 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 5 (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), (5) and (7) to (9), 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 51(3)(a) to (g),
- (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 5, and
- (c) any period related to war service in respect of which an additional contribution has been paid under regulation 13(8) or Part IV of Schedule 5 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 1/6th of the excess.

(6) If the pension is payable to a widower not falling within paragraph (4), the deceased's family benefit comprises, subject to paragraphs (3) and (7) to (9), the relevant service described in regulation 51(4); but if a pension is also payable to another person as a nominated beneficiary then -

- (a) in relation to the widower the family benefit service comprises only the period mentioned in regulation 51(4)(c), but

- (b) if the deceased had a guaranteed minimum in relation to benefits under these Regulations the rate of the widower's pension is increased by the rate described in regulation 28(4).

(7) 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 14, 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 35 (1) to (8) (incapacity).

(8) If paragraph (7) applies and the family benefit service calculated in accordance with paragraphs (3) to (6) 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 (6),

B is his effective reckonable service apart from C, and

C is the period which was, or would if regulation 35 (1) to (8) had applied have been, the appropriate period within the meaning of regulation 35 (1) to (8).

(9) If paragraph (7) applies and A is not less than B, his family benefit service is increased by C.

(10) 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 9 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 14,
- (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, and
- (e) any period counting as reckonable service by virtue of the receipt after that date of any other transfer value.

(11) The annual rate of pension paid in the case where the deceased was granted a pension under regulation 31(7) will be an actuarially calculated proportion of 1/60th of the deceased's average salary multiplied by the length of his family benefit service, the actuarially calculated proportion being identical to the proportion awarded to the deceased under regulation 34(6).

Amounts of children's long-term pensions.

53.(1) Subject to paragraphs (3) to (7), if long-term pensions become payable under regulation 51 -

- (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 -

- (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 52(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 $1/320$ th of his average salary multiplied by the length of the notional family benefit service, and

B is $1/320$ th 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 52(7) 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 35 (1) to (8) had applied have been, the appropriate period within the meaning of regulation 35 (1) to (8).

(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.

(7) The annual rate of children's pension paid in the case where the deceased was granted a pension under regulation 31(7) will be an actuarially calculated proportion of the appropriate fraction of the deceased's average salary, multiplied by the length of his family benefit service, the actuarially calculated proportion being identical to the proportion awarded to the deceased under regulation 34(6).

Commencement and duration of long-term family pensions.

54.(1) A pension under regulation 51 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 49 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 Council determines otherwise in the particular case, and subject always to regulation 28(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 51 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 49 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.

55.(1) 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 23(1)(a) (pensionable employment), and
- (b) any period counting as reckonable service by virtue of regulations 23(1)(b) and 26 (current period purchased by additional contributions), and

(c) 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, and

(d) any period counting as reckonable service by virtue of regulation 14A (service in a reserve force).

(3) 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.

(4) Subject to paragraphs (5) and (6), 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 14 were calculated, and

(c) for a period falling within paragraph (2)(c), 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.

(5) For -

- (a) a period of pensionable employment, or
- (b) a period counting as reckonable service by virtue of regulations 23(1)(b) and 26

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.

(6) For -

- (a) a period of pensionable employment, or
- (b) a period counting as reckonable service by virtue of regulations 23(1)(b) and 26,

beginning on or after 1st April 1979 and ending on or before 31st August 1980, a person's full salary is the salary applicable to him as set out in the document entitled "Scales of Salaries for Teachers in Primary and Secondary Schools, England and Wales 1979"

published on 21st September, 1979, or the document entitled "Scales of Salary for Teachers in Establishments for Further Education, England and Wales 1979" published on 21st February 1980, as the case may require, as modified by the Teachers' Superannuation (Notional Salaries) Regulations 1981 of the United Kingdom.

Effective reckonable service.

56.(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 51.

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

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 25 (past period purchased by additional contributions) as exceeds the maximum ascertained from the Table below.

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 31(5), (6) or (7) (incapacity, redundancy or self-funded early retirement 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 42, or

(b) any period in respect of which contributions are payable under the States of Guernsey Civil Service (Pensions and Other Benefits) Rules, 1972.

Payment of benefits.

57.(1) Benefits under this Part are payable by the Council.

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

(4) Subject to paragraphs (5) to (8), a benefit that does not consist of a single payment is to be paid monthly on the Council's normal monthly payroll date in respect of the calendar month in which the payment is made.

(5) 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) a proportionate payment is to be made for the relevant period as soon as practicable after the material date.

(6) The relevant period is -

(a) where paragraph (5)(a) applies, the period beginning on the day on which the entitlement took effect and ending with the material date, and

(b) where paragraph (5)(b) applies, the period beginning on the first day of the month in which the benefit ceased to be payable and ending with the material date.

(7) The material date is -

(a) where paragraph (5)(a) applies, the last day of the month in which payment is made, and

(b) where paragraph (5)(b) applies, the day the benefit ceased to be payable.

(8) A proportionate payment is a payment of

$$\frac{A}{12} \times \frac{B}{C}, \text{ where -}$$

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 in which payment is made.

(9) 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 Council 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.

58.(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 37 is not an assignment, and an arrangement for the recovery by the Council of an overpayment does not constitute an assignment or an agreement to assign.

PART VI
TRANSFER VALUES

Payment of transfer values.

59.(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, where the person has ceased to be in pensionable employment after 1st August, 1988, an approved retirement annuity scheme ("the receiving scheme").

(2) The person must have made a written application to the Council, 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 under the 1978 Regulations 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 31 to payment of retirement benefits, or under regulation 42 or 43 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 which includes an element for a period of employment credited to the person in respect of which he had a guaranteed minimum must not be paid unless -

(a) the receiving scheme is administered wholly or primarily in the United Kingdom and is a contracted-out scheme; or

(b) the receiving scheme is a club scheme and the transfer complies with the requirements from time to time set out in the Club memorandum; or

- (c) the Council's liability to pay a guaranteed minimum has been extinguished by the payment by the Council to the Secretary of State for Social Security of a transfer premium, in which instance the transfer value will be reduced accordingly; or
- (d) the right to a guaranteed minimum has been extinguished by the purchase by the Council of an annuity or insurance policy approved by or on behalf of the Secretary of State and securing the payment to the person at and after state pensionable age of a pension at a weekly rate equal to the weekly rate of his notional guaranteed minimum allowance or in such other manner as may be approved by or on behalf of the Secretary of State.

Outward transfer values.

60. The transfer value payable in respect of any person shall be calculated in accordance with the tables annexed to the Club memorandum.

Termination of right to count reckonable service.

61. A person in respect of whom a transfer value has been paid under regulation 59 ceases to be entitled to count as reckonable service, or as part of a qualifying period within the meaning of regulation 30, any period to which the transfer value related.

Receipt of transfer values.

62.(1) Subject to paragraphs (2) to (6), a transfer value offered to the Council by the scheme managers of a scheme approved for the purpose by the Administrator of Income Tax (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 Council for the transfer value to be accepted.

(3) Unless while the person was subject to the previous scheme he was employed in comparable British service, the request must be 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 under the 1978 Regulations in relation to the same transfer.

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

(a) before he ceased to be subject to the previous scheme the person became entitled under regulation 31 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 31.

(6) Paragraph (5) does not apply if while the person was subject to the previous scheme he was employed in 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 Regulation 63.

Inward transfer values.

63.(1) 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.

(2) If the previous scheme is a club scheme service under which is not comparable British service, he is entitled to count as reckonable service a period calculated in accordance with the tables annexed to the Club memorandum.

(3) If the previous scheme is an approved superannuation scheme which is not a club scheme he is entitled to count as reckonable service a period calculated in accordance with actuarial tables.

PART VII

FINANCE

Receipts, etc., to be credited.

64.(1) Employees' and employers' contributions received during the financial year must be credited to the States of Guernsey Superannuation Fund, General Revenue Account - Teachers ("the account").

(2) Employees' contributions comprise -

(a) all contributions payable under regulations 8(1), 9, 10, 11, 13 and 15,

(b) so much of any additional contributions payable under regulation 14 as would have been payable under regulation 8(1) if pensionable employments had continued, and

(c) all amounts payable under regulations 20 and 21 (return of unpaid contributions).

(3) Employers' contributions comprise -

(a) the contributions payable under regulation 67, and

(b) so much of any additional contributions payable under regulation 14 as would have been payable under regulation 11 if pensionable employments had continued.

(4) There are also to be credited to the account all transfer values under regulation 62 received during the financial year.

Payments to be debited.

65. There are to be debited to the account all sums paid during the financial year by way of -

(a) benefits under Part V,

(b) repayment of contributions (including interest) under regulations 16 and 18, and

(c) transfer values under regulation 59 and additional transfer values under regulation 60 (war service).

Actuarial inquiries.

66. Actuarial inquiries shall be made at such intervals and in such manner as set out in the States of Guernsey (Pensions and Other Benefits) Rules, 1972.

Employers' contributions.

67.(1) Subject to paragraph (3), the employer of a person in pensionable employment is to pay contributions of the required percentage of his contributable salary for the time being.

(2) The contributions to be paid by the States as employers of teachers and by other employers of teachers shall be payable at such rates and at such times as the States shall by Resolution from time to time determine.

(3) No contributions are to be paid in respect of anyone to whom regulation 56(2)(a) (restriction of reckonable service to 45 years) has become applicable.

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

Modified application in certain cases.

68.(1) In relation to a person with admitted service these Regulations have effect with the modifications set out in Part I of Schedule 7.

(2) In relation to a person with specified country service these Regulations have effect with the modifications set out in Part II of Schedule 7.

(3) 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 7(4) that his contributable salary is to be treated as having continued at the previous rate, and

(c) his employer notifies the Council 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 regulation 44(1), be beneficial,

these Regulations have effect in relation to him with the modifications set out in Part III of Schedule 7.

(4) For the purposes of paragraph (3) 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.

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

Records and information.

69.(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 7(1)(b) (accommodation and related services),
- (d) the contributions deducted under regulation 22(1),
- (e) the period during which he was in pensionable employment, and
- (f) the dates of any absence on sick leave or maternity leave, and the amount of salary paid during it.

(2) Every employer, not being the States of Guernsey, shall make to the Council such reports and returns, and give to the Council such information relating to such persons, as the Council may require for the purposes of its functions under these Regulations.

Payments in respect of deceased persons.

70.(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.

(2) Where this regulation applies the Council 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 it to be beneficially entitled to the estate.

Revaluation of guaranteed minimum pension.

71.(1) This regulation applies where a person has ceased to be in pensionable employment and has a guaranteed minimum pension.

(2) Where this regulation applies -

- (a) the amount of guaranteed minimum pension shall be determined by reference to the last order under section 21 of the Social Security Pensions Act 1975 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 the said 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 said Pensions Act.

Extensions of time, exceptions etc.

72. The Council 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 and may make in any such case an exception to the requirements of these Regulations or may impose conditions to be attached thereto.

Determination of questions.

73. All questions arising under these Regulations are to be determined by the Council and a determination by it is final.

Revocations.

74. The Teachers' Superannuation (Guernsey) Regulations, 1978(e), the Teachers' Superannuation (Amendment) (Guernsey) Regulations, 1979(f), the Teachers' Superannuation (Amendment) (Guernsey) Regulations, 1980(g), the Teachers' Superannuation (Notional Salaries) (Guernsey) Regulations, 1982(h) and the Teachers' Superannuation (Amendment) (Guernsey) Regulations, 1991(i) are hereby revoked.

Savings and transitional provisions.

75.(1) The revocation by these Regulations -

- (a) 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,

(e) S.I. 1978 No. 7.

(f) S.I. 1979 No. 19.

(g) S.I. 1980 No. 5.

(h) S.I. 1983 No. 1.

(i) S.I. 1991 No. 16.

(b) of a provision previously revoked subject to savings, does not affect the previous operation of those savings, and,

(c) 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.

(2) 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.

(3) 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.

(4) Subject to any express provision to the contrary and to paragraph 6(b) (protected benefits), the general rule is that the provisions of these Regulations apply, in accordance with sub-paragraph (3), to matters arising before the commencement of these Regulations as to matters arising after that commencement.

(5) 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 provisions made in connection with the commencement of the revoked provisions (such transitional provisions are saved by paragraph (1)).

(6) (a) Where -

(i) a provision of these Regulations ("the new provision") re-enacts with any modification a provision revoked by these Regulations ("the former provision"), and

(ii) 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 Council within 3 months after these Regulations are laid before the States elect that the new provision is to apply in relation to the benefit as if it had re-enacted the former provision without modification.

(b) 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.

(7) 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.

(8) The provisions of paragraphs (1) to (4) do not affect the general operation of section 5 of the Interpretation (Guernsey) Law, 1948 (effect of repeal).

Expression	Meaning
"Club scheme"	A scheme which is a member of the Public Sector Transfer Club.
"Comparable British service"	Service which is pensionable under a superannuation scheme for teachers in public employment in any part of the British Islands outside the Bailiwick of Guernsey.
"Contracted-out employment"	Construe in accordance with sections 30 and 32 respectively of the Social Security Pensions Act 1975.
"Contracted-out scheme"	
"Contributable salary"	Construe in accordance with regulation 7.
"Contributions equivalent premium"	A premium under section 42 of the Social Security Pensions Act 1975.
Contributions refund period	A period in respect of which contributions have been or are to be repaid and - (a) have not been or fallen to be treated as having been, returned, or (b) have been returned but have since been repaid.
"The Council"	The States Education Council
"Credited service"	The meaning given in paragraph 1(6) of Schedule 5.
"Effective reckonable service"	Construe in accordance with regulation 56.
"Employment"	Employment under a contract of service.

Expression	Meaning
"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.
"Family benefits"	Benefits payable under regulations 47 to 54.
"Family benefit service"	Construe in accordance with regulation 52.
"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.
"Further education"	The meaning given in section 23 of the Education (Guernsey) Law, 1970.
"Guaranteed minimum"	A guaranteed minimum under section 35 of the Social Security Pensions Act 1975.
"Guaranteed minimum pension"	Construe in accordance with section 26(2) of the Social Security Pensions Act 1975.
"Higher education"	The meaning given in section 120(1) of the Education Reform Act 1988.
"Incapacitated"	A person is incapacitated while he is incapable by reason of infirmity of mind or body of performing his employment efficiently.
"Independent school"	The meaning given in section 1 of the Education (Guernsey) Law, 1970.
"Interchange provisions"	Part VI and any previous provisions to the like effect, and interchange rules having effect in the Island.

Expression	Meaning
"Island"	Guernsey, Herm and Alderney.
"Member"	The meaning given in paragraph 1(1) of Schedule 5.
"Notional guaranteed minimum"	The guaranteed minimum to which a person would have been entitled at, and from time to time after, state pensionable age by reference to his pensionable employment if that employment were deemed to be contracted-out employment.
"The Ordinance of 1967"	The Teachers' Superannuation (Family Benefits) Ordinance, 1967.
"The 1978 Regulations"	The Teachers' Superannuation (Guernsey) Regulations, 1978.
"The 1988 Regulations"	The Teachers' Superannuation (Consolidation) Regulations 1988, as amended from time to time
"Normal contributions" "normal service"	Construe in accordance with paragraph 1(2) of Schedule 5.
"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.

Expression	Meaning
"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 - <ul style="list-style-type: none">(a) the contract requires the employee to work for less than the whole of the working week and entitles him to remuneration at a rate expressed as a proportion of the annual, termly or monthly rate for a comparable full-time employment, or(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, termly or monthly rate for a comparable full-time employment.
"Pensionable employment"	<p>In relation to any time before 1st November 1988, the expression means employment in reckonable service for the purposes of the 1978 Regulations or previous provisions.</p> <p>In relation to any time after 31st October 1988, the expression is to be construed in accordance with Part II.</p>

Expression	Meaning
"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 30.
"Reckonable service"	Construe in accordance with regulation 23.
"Relief teacher"	A person in pensionable employment which falls within (b) of the definition of "part-time".
"Retirement benefits"	Construe in accordance with regulation 29.
"Retirement lump sum"	A retirement lump sum payable under Part V.
"Retirement pension"	A retirement pension payable under Part V.
"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.
"Secretary of State"	The Secretary of State for Education and Science.
"Specified country service"	The meaning given in Schedule 1 of the Teachers' Superannuation (Consolidation) Regulations 1988.
"State pensionable age"	In the case of a man, 65; in the case of a woman, 60.
"Statutory scheme"	A scheme established by or under an enactment.

Expression	Meaning
"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 1978 Regulations or previous provisions or a retirement pension.
"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 Regulations 9,14

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 9 or 14 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

Adjusted age	Length of time
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 -

(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 higher 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 as 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 9, or
- (b) has continued to pay additional contributions by virtue of regulation 11(1)

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 31(6) (redundancy, etc.) or 31(7) (self-funded early retirement).

(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 -

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

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 3 Regulation 9
ADDITIONAL CONTRIBUTIONS FOR PAST PERIOD
PART I
METHOD A

1. (1) In this Part (and throughout this Schedule) "the principal election" means the election made under regulation 9, "the past period" means the period specified under regulation 9(11)(a), and "the contribution period" means the period specified under regulation 9(11)(c).

(2) During any period for which a person is paying additional contributions for a current period under regulation 14, 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 14(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 the expiry of a period of one month from the date of acceptance of the election by the Council.

(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 III (except any treated for the purposes of regulation 64 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 of his contributable salary for the time being ascertained from Table 1 set out in Schedule 4 to the 1988 Regulations.

4.(1) At any time during the contribution period the person may, subject to paragraph 2, by giving written notice to the Council, 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 Council notifies the person in writing that it has been accepted, and

(b) on acceptance, has effect as from the first day of the month following the date of its acceptance by the Council.

(3) From the effective date Table 1 referred to 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-

$$C - (C \times D/E)$$

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.

4A.(1) At any time during the contribution period the person may by giving written notice to the Council elect to reduce the rate at which the additional contributions are payable.

(2) An election under this paragraph is to specify whether the reduced rate is to be paid -

- (a) in respect of the balance of the contribution period, specified in the principal election, after the election under this paragraph has effect in accordance with sub-paragraph (3), or

(b) for a particular period, specified in the election, extending beyond the contribution period during which additional contributions were to be paid in respect of the past period specified in the principal election.

(3) An election under this paragraph -

(a) has effect only if the Council notifies the person in writing that it has been accepted, and

(b) on acceptance, has effect as from the first day of the month following the date of its acceptance by the Council.

(4) Calculations relating to any change in the amount of reckonable service to which the person will become entitled, or to any change in the contribution period, resulting from an election under this paragraph shall be made on an actuarial basis.

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

(a) before the end of the contribution 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 16, 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 Council elect to complete payment of the additional contributions (so that regulation 25(1)(b) will apply instead of regulation 25(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 2, the actuarial 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 sub-paragraph (4) and to paragraph 3 of Schedule 2, the actuarial equivalent, when the employment ended, of the additional contributions that would have been payable for the remainder of the contribution period.

(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 2, $E \times F$, 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 set out in Schedule 4 to the 1988 Regulations.

(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 51 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 set out in Schedule 4 of the 1988 Regulations.

(2) If the lump sum is not paid within one month after the date on which the election was accepted under regulation 9(13) the election ceases to have effect.

10.(1) Subject to paragraphs 11 and 12, 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 III (except any treated for the purposes of regulation 64 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 set out in Schedule 4 to the 1988 Regulations.

(4) In any other case the appropriate Table is Table 5 set out in Schedule 4 to the 1988 Regulations.

(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 was accepted under regulation 9(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 16, he may by giving written notice to the Council within 3 months after the end of his employment elect to complete payment of the additional contributions (so that regulation 25(1)(b) will apply instead of regulation 25(2) by making a lump sum payment under this paragraph.

(3) The amount of the payment is, subject to paragraph 3 of Schedule 2, 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.

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 25.

(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 4 Regulation 11
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 24 of the 1978 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 14 they are to be paid direct to the Council.

(2) Subject to sub-paragraphs (3) and (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 III, 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 Council, 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 4 of the 1978 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 3 (election to pay a lump sum etc.) and paragraphs 1 to 3 of Schedule 6 (reckonable service) apply as if the contributions had been payable under regulation 9, but with the substitution for Table 2 referred to in paragraph 5(5) of Schedule 3 of the Table set out in Schedule 5 to the 1988 Regulations.

4.(1) Subject to sub-paragraph (2) and paragraph 5, where immediately before 1st November, 1988 contributions remained to be paid under regulation 2 of the 1978 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 14.

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 within 3 months after the cessation elect to complete payment of the additional contributions by making a lump sum payment under this paragraph.

(2) Subject to paragraph 3 of Schedule 2, 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 27 of the 1978 Regulations (certain contributions first paid before 1973), they are to continue to be paid as if the 1978 Regulations had not been revoked.

(2) If the person paying the contributions elects to pay additional contributions for a past period under regulation 9, sub-paragraph (1) ceases to apply when he begins to pay those additional contributions.

SCHEDULE 5 Regulations 15, 52
FAMILY BENEFITS

PART I

CONTRIBUTIONS: MEN AND UNMARRIED WOMEN

1.(1) In this Part -

"the Fund" means the States Superannuation Fund, General Revenue Account - Teachers;

"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 section 26 of the Ordinance of 1967, and

(c) has not received a repayment of contributions paid by him under the Ordinance of 1967; 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 section 14 of the Ordinance of 1967, 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 section 15 of the Ordinance of 1967, 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.

(5) A member's deemed additional service is -

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

where -

A is the factor ascertained from the Table set out in Part I of Schedule 6 to the 1988 Regulations,

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.

(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 Ordinance of 1967.

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 -

$$A - \left(B + \frac{5 \times (C-B)}{6} \right)$$

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 Council 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 Council 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 48,

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 set out in Part I of Schedule 6 to the 1988 Regulations.

(2) Where a man has made an election under paragraph 3(1) the payment period is, subject to paragraph 14(7) to (10), 5/6ths 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 48, 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 -

$$\frac{AxB}{100} \quad x \quad \frac{5xC}{6}$$

where -

A is the member's average salary,

B is the factor ascertained from Table 3 set out in Part I of Schedule 6 to the 1988 Regulations,

C is the period calculated in accordance with subparagraph (3).

(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 Council 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 -

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 set out in Part I of Schedule 6 to the 1988 Regulations,

but where the election made corresponds to one that could have been made under paragraph 3(1), B is reduced by 1/6th.

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 Council 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 9, 11 or 14

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 the expiration of a period of nine months from the making of these Regulations 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 Council 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 Council, 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 the date when these Regulations were made; in any other case, subject to sub-paragraph (4), the relevant date is the first date after the day preceding the date when these Regulations were made 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.

(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 set out in Part II of Schedule 6 to the 1988 Regulations.

(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 Council, 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 the date when these Regulations were made 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 Council 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 the date when these Regulations were made and ending at the expiration of nine months from that date,
 - (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 9 or 11, 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.

(5) An election under sub-paragraph (4) must be made by giving written notice to the Council, 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 Council.

(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 14 -

(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 14, 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 31(5) (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 -

- (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 -

$$\left(\frac{B}{A \times 100} \right) \times C$$

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 set out in Part III of Schedule 6 to the 1988 Regulations.

(4) Where the person becomes entitled to payment of retirement benefits by virtue of regulation 31(6) (redundancy, etc.) or 31(7) (self-funded early retirement)-

- (a) he may, by giving written notice to the Council within 3 months after the end of his pensionable employment, elect to pay a lump sum which is the actuarial equivalent 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 48, may notify the Council 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 27, and references to a person's being notified are to his being notified of the Council's determination of a claim made under regulation 27.

(2) This Part does not apply if the person's family benefit service does not include all periods counting as reckonable service otherwise than by virtue of regulation 27.

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 Council 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 Council 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 45.

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 2/3rds 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 6 Regulation 25
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 3 -

(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 3.

(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

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

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 3 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 $A - \frac{(A \times F)}{E}$,

(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 person paying additional contributions for a past period in accordance with Part I or Part III of Schedule 3 revokes his election made under regulation 9(3) in accordance with paragraph (13) of that regulation.

(2) Where this paragraph applies, the person is entitled to count as reckonable service -

$$A \times C/B$$

where -

A is the past period,

B is the contribution period, and

C is so much of B as had elapsed by the first day of the month following the date on which the revocation of that election has effect in accordance with regulation 9(14).

3.(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 3.

(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 $\frac{A}{\frac{B-3 \times D}{C \times 80}}$ years,

where -

A is the retirement lump sum,

B is the lump sum that would have been payable under paragraph 5 of Schedule 3,

C is so much of the past period as he is not entitled to count under (a) above, and

D is his average salary.

4.(1) This paragraph applies where a person paying additional contributions for a past period in accordance with Part III of Schedule 3 -

(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 3.

(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 3.

(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.

5.(1) This paragraph applies where a person is continuing to pay contributions in accordance with paragraph 4 of Schedule 4 and -

(a) before the end of the contribution period they cease to be payable, and

(b) does not then become entitled to payment of retirement benefits under regulation 31(5) (incapacity) or to a short service incapacity grant under regulation 43.

(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 7 Regulation 68
MODIFIED APPLICATION IN CERTAIN CASES
PART I
ADMITTED SERVICE

1.(1) In the case of a person with admitted service by virtue of interchange provisions who has not been in pensionable employment, regulation 16(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 2(1).

(b) he does not make a lump sum payment under paragraph 5 of Schedule 4.

(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.

6.(1) This paragraph applies where a person who is, in accordance with paragraph 6(1) of Schedule 4, 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

(2) In the case of any person with admitted service, regulation 17 (calculation of balance of contributions) has effect as if the amounts specified in regulation 17(3) included the contributions paid by him in respect of that service.

2.(1) Subject to sub-paragraphs (2) to (5) and paragraph 4, 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 entitled to payment of them when he becomes entitled to payment of retirement benefits.

3.(1) The rate of the annual pension is -

$$\left(\frac{A}{80 \times B} \right) + \frac{C}{5}$$

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 -

$$\left(\frac{A}{80 \times B} \right)$$

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.

4. Regulations 44(2) (deferment, etc.) 57 (application for payment, etc.) and 58 (benefits not assignable) apply in relation to admitted service benefits as they apply in relation to retirement benefits.

PART II

SPECIFIED COUNTRY SERVICE

5. Regulations 31 (entitlement to payment of retirement benefits), 33 (amount of retirement lump sum), 39(3) (pension becoming payable again after cessation on ceasing to be incapacitated), 41 (retirement benefits on cessation of further employment) and 42 (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

6. Subject to paragraph 7 -

(a) for the purpose of calculating retirement benefits, and grants under regulations 43, 45 and 46, and

(b) for the purposes of regulation 56(2) (restriction of effective reckonable service to 45 years, etc.),

specified country service counts as reckonable service at 1.5 times its actual length.

7. For the purposes of regulation 35 (1) to (8) (enhancement of retirement benefits in case of incapacity), in calculating relevant service specified country service counts as reckonable service at its actual length.

PART III

EMPLOYMENT AT REDUCED SALARY

8. Subject to paragraphs 9 to 14, 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.

9. For the purposes of regulation 30 (qualification for retirement benefits), periods counting towards a qualifying period in relation to one of the employments count also in relation to the other.

10.(1) For the purposes of regulation 56(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 56(2) is excluded in relation to new employment only.

11.(1) A period for which the person has, before the first day of new employment, elected to pay additional contributions under regulation 9 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.

12.(1) This paragraph applies if the person becomes entitled to payment of retirement benefits by virtue of regulation 31(5) (incapacity).

(2) For the purposes of regulation 35 (1) to (8) (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 a 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.

13.(1) For the purpose of calculating any death grant under regulation 45 or supplementary death grant under regulation 46 that may become payable in respect of the person -

(a) The average salary mentioned in regulations 45 and 46(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 45(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 12, and

(c) the retirement pension mentioned in 46(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.

14. Regulation 51(9) does not have effect so as to preclude the payment of a children's pension in respect of each of the employments.

SCHEDULE 8 Regulation 37
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

(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, 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 37(2)(a) or the subsequent annuity mentioned in regulation 37(2)(b).

PART II
PROCEDURE

2.(1) A person who, with a view to making an allocation, gives the Council 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 31(6) (redundancy, etc.) or 31(7) (self-funded early retirement), his 50th, and
- (b) in any other case, his 60th.

3.(1) Before delivering a declaration a person must have given the Council 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 Council as to his health, and

(b) have provided the Council with such information about the person for whose benefit the allocation is to be made, and verified it in such manner, as the Council may reasonably require.

(2) In order to satisfy the Council as to his health the person must have been examined by a medical practitioner nominated by the Council; he may if he wishes be examined by a second such practitioner if the Council is not satisfied as a result of the first examination.

5.(1) On receiving a notice under paragraph 3 the Council 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 -

- (a) if the person is resident outside the British Islands, within 4 months, and
- (b) in any other case, within 3 months,

after receipt of the Council's notification under sub-paragraph (1).

(3) If it is satisfied as to the person's health, and with the information provided in accordance with paragraph 4(1)(b), the Council is to send him a suitable form on which to make the declaration.

(4) On the delivery to it of a declaration, the Council 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 Council.

(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 Council 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, 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 37(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.

Dated this fourth day of January, nineteen hundred and ninety-four.



President of the States Education Council,
for and on behalf of the Council.

EXPLANATORY NOTE

(This Note is not part of the regulations)

These regulations are made under the Superannuation (Teachers and Teachers' Families) (Guernsey) Law, 1974, replace the Teachers' Superannuation (Guernsey) Regulations, 1978 as amended with revised provisions as to teachers' pensions, allowances and gratuities.

The regulations include the following changes:

1. Widowers' benefits are introduced for women teachers.
2. The qualification period for payment of benefits is reduced from 5 to 2 years.
3. The payment of death grants will no longer have to be made to the deceased's estate but may alternatively be paid direct to the spouse.

4. The minimum period over which a teacher may purchase additional service ('added years') is to be reduced from 5 years to one year. In addition, the actuarially assessed factors used in calculating the cost to a teacher of purchasing added years have been increased to reflect a more accurate estimate of the potential costs of additional benefits payable because of the purchase of added years, including the generally increased longevity of beneficiaries since the introduction of this type of provision. A further method of buying added years has also been introduced, where a teacher retires before completing payment of added years under existing methods. The additional method allows the purchase to be completed through a deduction from the retirement lump sum.
5. The provision allowing for a pension to be paid either monthly or quarterly is to be restricted to monthly only.
6. A much expanded glossary of expressions used in the regulations is provided.
7. Schedules concerning 'admitted service' (service in certain private schools prior to 1963), and 'specified country service' (service overseas in certain countries which counts as one and a half times the actual service completed) have been added. These two types of service can be received as part of a transfer from other British Teachers' Superannuation schemes.
8. Elections to purchase added years are no longer irrevocable but, if revoked, a period of 5 years must elapse before a new election may be made.

EXPLANATORY NOTE

This Order amends the Post Office (Overseas Letter Post) Order, 1993:

- (i) by re-naming the "Registered" service as "Recorded";
- (ii) by re-naming the "Insured" service as "Registered";
- (iii) by increasing the fees for the Express Delivery, Registered and Recorded services;
- (iv) by reducing the maximum compensation for International Registered letters.