
GUERNSEY STATUTORY INSTRUMENT

1979 - No. 19

The Teachers' Superannuation (Amendment) (Guernsey) Regulations,
1979

Made *2nd August, 1979*
Laid before the States
Deemed to have come
into operation 1st May, 1979

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

Amendment of regulation 11 of the principal regulations

1. In regulation 11(2) of the Teachers' Superannuation (Guernsey) Regulations, 1978 (hereafter in these regulations referred to as "the principal regulations"), for the semicolon and the word "and" at the end thereof there is hereby substituted a full-stop.

Amendment of regulation 20 of the principal regulations

2. In regulation 20(2) of the principal regulations, immediately after the words "as a result of incapacity" there are hereby inserted the words "or in such circumstances that regulation 50A applies".

Amendment of regulation 22 of the principal regulations

3.(1) In regulation 22(1) of the principal regulations, for the words "A teacher who is" at the beginning thereof there are hereby substituted the words "Subject to paragraph (1A), a teacher who is"

(2) Immediately after the said regulation 22(1) there is hereby inserted the following paragraph -

"(1A) In the case of a teacher who has become entitled to allowances by virtue of regulation 50A, no account shall be taken for the purposes of this regulation of any period for which he was not employed in reckonable service falling after the date on which his employment was terminated as mentioned in that regulation."

Amendment of regulation 23 of the principal regulations

4. In regulation 23(2) of the principal regulations, for the words "A subsequent election" at the beginning thereof there are hereby substituted the words "Subject to regulation 22, a subsequent election".

/Amendment

Amendment of regulation 24 of the principal regulations

5. For the full-stop at the end of regulation 24(5) there is hereby substituted a semi-colon and immediately thereafter there is hereby inserted the following proviso -

"Provided that those references shall not be read as aforesaid in the case of a teacher who has become entitled to allowances by virtue of regulation 50A".

Amendment of regulation 27 of the principal regulations

6. In regulation 27(3) of the principal regulations, for the words "allowances under regulation 50 or 54" there are hereby substituted the words "benefit under regulation 50(1)(c) or regulation 54".

Amendment of regulation 28 of the principal regulations

7. For paragraph (2) of regulation 28 of the principal regulations there is hereby substituted the following paragraph -

"(2) A teacher who has become employed in reckonable service after allowances have become payable to him under regulation 50(1)(c) or by virtue of regulation 50A may not purchase any years under this regulation unless, in the case of allowances under regulation 50(1)(c), his annual allowance has been suspended under regulation 75."

Amendment of regulation 43 of the principal regulations

8.(1) In regulation 43(3) of the principal regulations, for the words "There shall be deducted" at the beginning thereof there are hereby substituted the words "Subject to paragraph (3A), there shall be deducted".

(2) Immediately after the said regulation 43(3) there is hereby inserted the following paragraph -

"(3A) In the case of a teacher who has become entitled to allowances by virtue of regulation 50A, paragraph (3) shall not apply but

(a) subject to subparagraph (b), regulation 63(3) shall have effect as if the service to which it applies by virtue of subparagraph (b) thereof were only the proportion here specified of the service specified in the said subparagraph, namely, the proportion which the aggregate of the contributions which he has paid as there mentioned bears to the aggregate which he would have so paid had he continued to pay contributions under this section for the whole of the period specified under regulation 41(3)(b);

(b) if he so elects by notice in writing to the Council within three months of his ceasing to pay contributions under this section, subparagraph (a) shall not apply, but there shall be deducted from the terminal sum payable in respect of him or paid to the Council in such manner as it may approve the actuarial equivalent of the balance outstanding of his contributions under this section."

Amendment of regulation 50 of the principal regulations

9. Immediately after regulation 50 of the principal regulations there are hereby inserted the following heading and regulation -

/"Application

"Application of regulation 50 in certain cases of premature retirement

50A(1) This regulation shall apply to a teacher who ceases to be employed in reckonable service having attained the age of 50 but not having attained the age of 60, if his service has been 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) -

- (a) by reason of his redundancy, or
- (b) in the interests of the efficient discharge of his employer's functions,

so, however that this regulation shall not apply in the case of a teacher who is incapacitated when his service is terminated.

(2) In the case of a teacher to whom this regulation applies, regulation 50(1) shall have effect as if -

- (a) for both the references to the age of 60 in subparagraphs (a) and (b) thereof there were substituted references to the age of 50, and
- (b) subparagraph (c) were omitted therefrom.

(3) Any reference in these regulations to an allowance payable, or to which a teacher is entitled, by virtue of regulation 50(1)(a) or (b) includes, unless the context otherwise requires, a reference to an allowance payable, or to which a teacher is entitled, by virtue of regulation 50(1)(a) or (b) and this regulation.

(4) In the case of a teacher to whom this regulation applies, the Council may credit the teacher with a notional period of additional service for the purpose of enhancing an allowance payable to the teacher 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 ten 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 allowance, be deemed to be a period of reckonable service."

Amendment of regulation 52 of the principal regulations

10.(1) In regulation 52(1) of the principal regulations, immediately after the reference to regulation 50(1)(a) or (b), there are hereby inserted the words in brackets "(otherwise than by virtue of regulation 50A)".

/(2) Immediately

(2) Immediately after the said regulation 52(1) there is hereby inserted the following paragraph -

"(1A) An annual allowance payable to a teacher by virtue of regulation 50A shall begin to accrue on the day following that on which he ceases to be employed in reckonable service."

Amendment of regulation 53 of the principal regulations

11. In regulation 53(5) of the principal regulations, for the words "For the purposes of" to the end of that paragraph there are hereby substituted the following words -

"For the purposes of this paragraph, a teacher who before attaining the age of 60 -

- (a) becomes incapacitated, or
- (b) ceases to be employed in reckonable service in such circumstances that regulation 50A applies,

shall be treated as having continued in reckonable service until the date on which he attains the age of 60."

Amendment of regulation 71 of the principal regulations

12.(1) In regulation 71(1) of the principal regulations, immediately after the words "payable to him", there are hereby inserted the words "by virtue of regulation 50(1)(a) or (b)".

(2) In regulation 71(4)(a) of the principal regulations, immediately after the words "begins to accrue", there are hereby inserted the words "or that of his 60th birthday, whichever is the later".

(3) For paragraph (6) of regulation 71 of the principal regulations there is hereby substituted the following paragraph -

"(6) Where a teacher has notified the Council of his intention to make an allocation but the declaration referred to in paragraph (1) has not been delivered to the Council before the date upon which his annual allowance begins to accrue or that of his 60th birthday, whichever is the later, then, in respect of the period beginning with the later of those dates and ending with the delivery of the teacher's declaration (or his failure, following such medical examinations as are mentioned in paragraph 4 of Schedule 5, to satisfy the Council as to his health), payments on account of his annual allowance may be withheld in part so that the actual rate of those payments does not exceed two-thirds of the rate calculated under regulation 51; and after the expiry of the said period any overpayment or underpayment in respect thereof shall be deducted from or, as the case may be, added to, subsequent payments on account of the allowance."

Amendment of regulation 72 of the principal regulations

13. In regulation 72(4) of the principal regulations, for the words "be reference" there are hereby substituted the words "by reference".

/Amendment

Amendment of regulation 87 of the principal regulations

14. In regulation 87 of the principal regulations, for the words "conferred by" there are hereby substituted the words "conferred on".

Amendment of Schedule 5 to the principal regulations

15. In the Table set out in Schedule 5 to the principal regulations and in Note 2 thereto, immediately after the word "continuing", wherever it occurs, there are hereby inserted the words "or retired".

Extent

16. These regulations shall have effect in the Islands of Guernsey, Herm and Alderney.

Citation and collective title

17.(1) These regulations may be cited as the Teachers' Superannuation (Amendment)(Guernsey) Regulations, 1979.

(2) These regulations and the principal regulations may be cited together as the Teachers' Superannuation (Guernsey) Regulations, 1978 and 1979.

Commencement

18. These regulations shall be deemed to have come into operation on the first day of May, nineteen hundred and seventy-nine.

Dated this second day of August, Nineteen hundred and seventy-nine.

Allan N. Grut

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

EXPLANATORY NOTE

(This Note is not part of the Regulations)

The main purpose of these regulations is to amend the Teachers' Superannuation (Guernsey) Regulations, 1978, so as to provide that, notwithstanding that a teacher has not attained the age of 60, allowances under the 1978 regulations shall be immediately payable to him (enhanced, at the discretion of the Council, by adding to his reckonable service a notional period of additional service) if, having attained the age of 50, his service is terminated by reason of redundancy or in the interests of the efficient discharge of his employer's functions. The present regulations also contain amendments to the 1978 regulations consequential on, or supplemental to, the principal amendment mentioned above and relate to the provisions relating to the purchase of added years, payments towards family benefits attributable to service before April, 1972, and allocation.