



Statutory Document No.0134/11

## SUPERANNUATION ACT 1984

### TEACHERS' SUPERANNUATION ORDER 2011

*Approved by Tynwald*

*12 April 2011*

*Coming into operation*

*in accordance with article 2*

The Department of Education and Children makes this Order under sections 4 and 12(2) and (3) of the Superannuation Act 1984<sup>1</sup>.

#### **1. Citation**

The title of this Order is the Teachers' Superannuation Order 2011.

#### **2. Commencement**

If approved by Tynwald, this Order —

- (a) so far as it relates to any of the applied regulations, is deemed to have come into operation on the date on which those regulations came into force in England and Wales;
- (b) otherwise, comes into operation on the 1st January 2011.

#### **3. Interpretation**

In these Regulations "the applied regulations" means the regulations specified in Schedule 1, being regulations made under section 9 and (so far as it relates to teachers) section 24 of the Superannuation Act 1972 (an Act of Parliament)<sup>2</sup>.

#### **4. Application of Regulations**

The applied regulations shall apply to the Island subject to the modifications specified in Schedule 2.

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<sup>1</sup> 1984 c.8

<sup>2</sup> 1972 c.11

Price £2.05

**5. Transitional provision**

- (1) Where a person is entitled or required to make any election under any provision of the applied regulations specified in Schedule 3, that person may make such an election within 3 months beginning with the date specified in column 4 of that Schedule; and any election so made shall have effect as if made in accordance with the provision in question and within the time thereby allowed.
- (2) Nothing in this article affects any election made in accordance with any provision specified in Schedule 3 and within the time thereby allowed.

**6. Amendment of 2007 Order**

The Teachers' Superannuation Order 2007<sup>1</sup> is amended in accordance with Schedule 4.

MADE *24<sup>th</sup> February* 2011



Minister for Education and Children

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<sup>1</sup> SD 22/07

Article 3.

SCHEDULE 1

THE APPLIED REGULATIONS

<i>Reference</i>	<i>Title</i>
SI 2010/990	The Teachers' Pensions Regulations 2010

Article 4.

SCHEDULE 2  
MODIFICATIONS OF THE APPLIED REGULATIONS

PART 1

GENERAL MODIFICATIONS

1. Subject to the following provisions of this Schedule, references to matters specified in column 1 of the following table shall be read as references to the corresponding matters specified in column 2 of the table —

any Act of Parliament or statutory instrument (including the applied regulations) applied or extended to the Island by or under an Act of Tynwald or Act of Parliament	the Act or instrument as it has effect in the Island
the Secretary of State	the Department of Education and Children
a local authority (in its capacity as a local education authority)	the Department of Education and Children
the Pensions (Increase) Acts or any of those Acts	the Pensions (Increase) Act 1974 <sup>1</sup>

PART 2

PARTICULAR MODIFICATIONS OF SI 2010/990

2. Omit regulation 6(2), (3) and (4).
3. In regulation 7 —
- (a) in paragraph (2), omit the words from "or (c)" onwards;
  - (b) in paragraph (11)(b), omit "(4) or"
4. In regulation 10(2), omit sub-paragraph (b).
5. In regulation 11 —
- (a) in paragraph (1)(a), omit "in employment in a capacity mentioned in Part 2 or 3 of Schedule 2,";
  - (b) omit paragraphs (2) and (3);
  - (c) in paragraph (11), in the definition of "opted-out employment", in paragraph (b) omit "(4) or", and omit sub-paragraph (i).
6. Omit regulation 12(8).
7. In regulation 13 —
- (a) for paragraph (2)(a) substitute —  
"(a) it is an independent school registered under section 42 of the Education Act,";

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<sup>1</sup> 1974 c.27

- (b) omit paragraph (3);
  - (c) in paragraph (6)(c), for "paragraph (3)" substitute "paragraph (2)(a)";
  - (d) in paragraph (6)(e), omit the words from "or is the subject" to "1986";
  - (e) for paragraph 6(f) substitute —
    - "(f) where the proprietor of the establishment is a company —
      - (i) a proposal for a composition or arrangement has been made or approved in relation to the company under section 152 of the Companies Act 1931 (an Act of Tynwald)<sup>1</sup>,
      - (ii) a winding-up petition has been presented, a winding-up order has been made or a resolution for voluntary winding-up has been passed in relation to the company under Part V of that Act, or
      - (iii) a receiver or manager has been appointed for the company under Part VI of that Act,
      - (iv) a notice has been served that the company may be struck off the register of companies under section 273 or 319A of that Act or section 183 of the Companies Act 2006 (an Act of Tynwald)<sup>2</sup>."
8. Omit regulation 14.
9. In regulation 15 —
- (a) in paragraphs (1)(a) and (6), for "school teacher for the purposes of section 122 of EA 2002" substitute "teacher in a provided school, maintained school or special school (within the meaning of the Education Act)";
  - (b) in paragraphs (2)(a) and (6) (in the second and third places), for "pay order" substitute "pay determination";
  - (c) omit paragraphs (2)(c) and (4)(i);
  - (d) in paragraph (6), for the definition of "pay order" substitute —
    - ""pay determination" means a determination under section 6(3) of the Education Act;"
10. In regulation 16 —
- (a) in paragraph (1)(c), for "council tax" substitute "rates";
  - (b) in paragraph (8), omit the words from "less the amount" onwards;
  - (c) omit paragraph (10).
11. Omit regulation 17.
12. In regulation 22(3), for "Part 8 of the Employment Rights Act 1996" substitute "Part VII of the Employment Act 2006 (an Act of Tynwald)<sup>3</sup>".
13. In regulation 28(8), for "Equal Pay Act 1970" substitute "Employment (Sex Discrimination) Act 2000 (an Act of Tynwald)<sup>4</sup>".

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<sup>1</sup> XIII p.235

<sup>2</sup> 2006 c.13

<sup>3</sup> 2006 c.21

<sup>4</sup> 2000 c.16

14. In regulation 31(1), for "registered" substitute "approved"
15. In regulation 32(5), for "section 150(5) of FA 2004" substitute "the Pension Schemes Act 1993".
16. Omit regulations 33 and 34.
17. In regulation 35(1), for "a registered" substitute "an approved", and omit "and to regulation 36 (acceptance of bulk transfer values)".
18. Omit regulation 36.
19. Omit regulation 40(9)(b) and (c) and (10).
20. Omit regulation 41(1)(i).
21. Omit regulation 44.
22. In regulation 47(2)(b), omit "or a public sector TUPE transferee".
23. In regulation 48 —
  - (a) in paragraph (1), for the words from ", is a UK " onwards substitute "or is a UK transferee with NPA 60 and NPA 65 rights";
  - (b) in paragraph (2)(a), for the words from ", is a UK " onwards substitute " or is a UK transferee with NPA 60 rights";
  - (c) omit paragraph (3)(c).
24. In regulation 49(1)(a), for the words from ", is a UK " onwards substitute " or is a UK transferee with NPA 60 rights".
25. Omit regulation 52.
26. Omit regulation 54(9).
27. In regulation 57 —
  - (a) in paragraph (5), after sub-paragraph (a) insert "and", and omit the words from "and (c)" onwards;
  - (b) in paragraph (13)(b), for "an order made under section 122 of EA 2002" substitute "a determination under section 6(3) of the Education Act", and omit "school".
28. In regulation 59(3), for "an order made under section 122 of EA 2002" substitute "a determination under section 6(3) of the Education Act", and omit "school".
29. In regulation 62 —
  - (a) omit paragraph (3);
  - (b) in paragraph (7), omit the definition of "permitted maximum".
30. In regulation 63 —
  - (a) in paragraph (1)(b), for "Parliament" substitute "Tynwald", and for "council tax" substitute "rates";
  - (b) omit paragraph (2)(a);
  - (c) in paragraph (8), omit the definition of "local authority".
31. Omit regulation 66(3).
32. In regulation 93 —

- (a) in paragraph (4)(c), for "Parliament" substitute "Tynwald", and for "council tax" substitute "rates";
  - (b) omit paragraph (6).
33. Omit regulation 108.
34. In regulation 111, for "1870" substitute "1982 (an Act of Tynwald)".
35. Omit regulation 119(4)(a), (6)(a) and (8)(d).
36. In regulation 122 —
- (a) in paragraph (1), omit the words from "in favour of " to "dependant";
  - (b) omit paragraph (2).
37. Omit regulations 123 and 124.
38. In regulation 125(2), for "Comptroller and Auditor General" substitute "public auditor".
39. In regulation 131(1)(g), omit "or statutory pay"
40. (1)In Schedule 1
- (a) omit the definitions of "CA 2006", "EA 1996", "EA 2002", "FA 2004", "IA 1986", "NHS A 2006", "NHSWA 2006", "SVGA 2006", "Academy", "COBISEC", "education functions", "function provider", "permitted maximum", "public sector TUPE transferee" (and related definitions), "registered pension scheme", "specified country service" and "transfer of undertakings";
  - (b) at the appropriate places in alphabetical order insert —
 

approved (in relation to a pension scheme)	approved under section 2 of the Income Tax (Retirement Benefit Schemes) Act 1978 (an Act of Tynwald) <sup>1</sup>
Education Act	the Education Act 2001 (an Act of Tynwald) <sup>2</sup>
  - (c) the following definitions are modified as follows —
 

adoption leave	for "the same meaning as in the Paternity and Adoption Leave Regulations 2002" substitute "leave under section 95 or 96 of the Employment Act 2006 (an Act of Tynwald) "
club scheme	omit "registered", and for "Channel Islands or the Isle of Man" substitute "United Kingdom or the Channel Islands"
comparable British scheme	for "England and Wales" substitute "Isle of Man"
comparable United Kingdom scheme	omit "outside England and Wales"
further education	for "the meaning given in section 2(3) of EA 1996" substitute "continuing education within the meaning of section 32(2) of the Education Act".
higher education	for " section 120(1) of the Education Reform Act

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<sup>1</sup> 1978 c.9

<sup>2</sup> 2001 c.33

	1988" substitute "section 31(2) of the Education Act".
local authority	for paragraphs (a) to (e) substitute "except in relation to functions under the Education Act, a local authority within the meaning of the Local Government Act 1985 (an Act of Tynwald) <sup>1</sup> "
maternity leave	for "within the meaning of the Maternity and Parental Leave etc. Regulations 1999" substitute "under section 79 or 81 of the Employment Act 2006 (an Act of Tynwald)"
non-pensionable family leave	omit the words from "and (b)" onwards
parental leave	for "within the meaning of Part 3 of the Maternity and Parental Leave etc. Regulations 1999" substitute "under section 84 or 85 of the Employment Act 2006 (an Act of Tynwald)"
paternity leave	for "the meaning in the Paternity and Adoption Leave Regulations 2002" substitute "leave under section 90 or 91 of the Employment Act 2006 (an Act of Tynwald)"
scheme managers	omit "Minister of the Crown or other"
special school	for "337 of EA 1996" substitute "59 of the Education Act".
transfer value (in the context of payment of a transfer value)	omit "or regulation 33 (payment of bulk transfer values)"
transfer value (in the context of acceptance of a transfer value)	omit "or regulation 36 (acceptance of bulk transfer values)"

41. In Part 1 of Schedule 2 —

- (a) omit paragraphs 2, 4 to 7 and 9 to 14;
- (b) in paragraph 1, in sub-paragraphs (b) and (c), after "school" insert "or college";
- (c) in paragraph 3, omit the words from "(other than" onwards;
- (d) for paragraph 8 substitute —

42. "8. Teacher employed in a children's home (within the meaning of the Children and Young Persons Act 2001 (an Act of Tynwald)<sup>2</sup>."

43. Omit Parts 2 and 3 of Schedule 2.

44. [In Schedule 5 —

45. (a) In Schedule 6 —

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<sup>1</sup> 1985 c.24

<sup>2</sup> 2001 c.20

- (a) in paragraph (1)(b), for "section 150(5) of FA 2004" substitute "the Pension Schemes Act 1993";
  - (b) omit Part 3.
46. In Schedule 7 —
- (a) in paragraph 4(1), omit "or Condition B";
  - (b) omit paragraph 4(3) to (6).
47. In Schedule 8 —omit paragraph 1(2)(f).
48. In Schedule 9 —omit paragraph 6(f).
49. Omit Parts 2 and 3 of Schedule 10.
50. In Schedule 11 —
- (a) in paragraph 3(a) omit the definition of "civil partner"
  - (b) omit paragraphs 12 and 21;
  - (c) in paragraph 5, omit "or 33"

Article 5.

SCHEDULE 3

ELECTIONS UNDER THE APPLIED REGULATIONS

<i>Reference</i>	<i>Title</i>	<i>Provisions</i>	<i>Date</i>
SI 2010/990	Teachers' Pensions Regulations 2011	Regulations 9, 10, 19, 25, 57, 73, 116 and 137. Schedule 4.	[1st January 2011]

Article 6.

SCHEDULE 4

AMENDMENT OF 2007 ORDER

1. In Schedule 1, omit the entries relating to SI 1997/3001, SI 1998/2255, SI 1997/607, SI 2000/665, SI 2004/587, SI 2005/3198, SI 2006/736 and SI 2006/2214.
2. In Schedule 2 —
  - (a) omit Parts 4, 5, 7, 10, 12, 13, 14 and 15;
  - (b) in Part 17, for paragraph 69(c) substitute —  
"(c) Schedules 3 and 4."

EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order applies to the Isle of Man with modifications the Teachers' Pensions Regulations 2010, which replaced the Teachers' Pensions Regulations 1997 in England and Wales. The Order replaces the Teachers' Superannuation Order 2007 (SD 22/07) so far as it applied the 1997 Regulations to the Isle of Man.

The Order provides for the applied regulations to have retrospective effect, as authorised by section 12(2) of the Superannuation Act 1984.