STATUTORY RULES OF NORTHERN IRELAND

2010 No. 137

EDUCATION

The Teachers' Pensions (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*31st March 2010*
Coming into operation	*30th April 2010*

The Department of Education makes the following Regulations in exercise of the powers conferred by Articles 11(1)(**1**), (2), (3), (3A)(**2**) and paragraphs 1, 3, 4, 5, 6, 8, 11 and 13 of Schedule 3 to the Superannuation (Northern Ireland) Order 1972(**3**).

In accordance with Article 11(5) of that Order consultation has taken place with representatives of local education authorities and of teachers and with representatives of other persons likely to be affected.

In accordance with Article 11(1) of that Order these Regulations are made with the consent of the Department of Finance and Personnel(**4**).

Citation and commencement

1. These Regulations may be cited as the Teachers' Pensions (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 30th April 2010.

Interpretation

2. In these Regulations "the Superannuation Regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1998(**5**).

Amendment of Superannuation Regulations

3. The Superannuation Regulations are amended in accordance with regulations 4 to 11.

(**1**) As amended by S.I. 1990/1509 (N.I. 13) Article 13(1)
(**2**) As amended by S.I 1990/1509 (N.I. 13) Article 6(1)
(**3**) S.I. 1972/1073 (N.I. 10)
(**4**) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6) Article 3
(**5**) S.R. 1998 No.333, as amended by S.R. 2001, No. 149, S.R. 2003 No. 147, S.R. 2005 No. 181, S.R. 2005 No. 495, S.R. 2006 No. 163, S.R. 2006 No. 366, S.R. 2007 No. 137 and S.R. 2008 No. 50

Early retirement generally

4. For regulation E4(7) there shall be substituted the following paragraph—

"(7) In Case F the person—

(a) has attained the age—

(i) of 50, if he is not a post 5th April 2006 entrant and attained that age before 6th April 2010, or

(ii) of 55 in any other case, and

(b) has ceased after attaining that age but before attaining the normal pension age to be—

(i) in pensionable employment,

(ii) in excluded employment, or

(iii) in employment which would be pensionable employment but for the fact that the person has not made an election under regulation B1(4),

(c) is not within Case D, and

(d) has not received and is not to receive compensation under Part 3 of the Teachers (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 2010(**6**) (discretionary compensation for termination), and his employer has notified the Department in writing—

(i) that his employment was terminated by reason of his redundancy or in the interests of the efficient discharge of the employer's functions, and

(ii) that the employer has, with the approval of the compensating authority, agreed that he should become entitled to retirement benefits under this Case.".

Pension on early retirement

5. In regulation E5 (amount of retirement pension)—

(a) in paragraph (2) for "(13)" there shall be substituted "(14)";

(b) in paragraph (8) there shall be added after "within paragraph (6)(a) "and, where applicable, paragraph (13)";

(c) there shall be added after paragraph (13)—

"(14) Where this paragraph applies the annual rate of a person's retirement pension shall be the annual rate calculated in accordance with the foregoing provisions of this regulation of the retirement pension to which he would be entitled apart from this paragraph and ignoring the effect of regulation E10 (national insurance modification of pensions) multiplied by the appropriate factor.

(15)

(a) Subject to sub-paragraph (b), paragraph (14) applies in Case F, as described in regulation E4(7), where a person has ceased to be in employment as there described on or after 30th April 2010;

(b) paragraph (14) shall not apply so as to reduce the annual equivalent of a person's guaranteed minimum pension together with that of any equivalent pension benefits where that is the annual rate of his retirement pension in accordance with paragraph (8).

(**6**) S.R. 2010 No. 136