STATUTORY RULES OF NORTHERN IRELAND

2005 No. 181

EDUCATION

The Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*31st March 2005*
Coming into operation	*31st March 2005*

The Department of Education, in exercise of the powers conferred on it by Article 11(1)(**1**), (2), (3A)(**2**) and Article 14(1) of and paragraphs 1 and 13 of Schedule 3 to the Superannuation (Northern Ireland) Order 1972(**3**) and of every other power enabling it in that behalf, and after consultation with representatives of education and library boards, and of teachers and with such representatives of other persons likely to be affected as required by Article 11(5) of that Order, and with the consent of the Department of Finance and Personnel(**4**), hereby makes the following Regulations:

Citation, interpretation and commencement

1. These Regulations may be cited as the Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 31st March 2005. Regulations 4, 6 and 10 shall have effect on and from 31st March 2002, and regulations 5 and 7 shall have effect on and from 31st March 2001.

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

Amendment of the principal regulations

3. The principal regulations shall be amended in accordance with regulations 4 to 11.

4. For regulation G1 substitute the following –

(**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. 2003 No. 147

"**Teachers' Pension Account**

G1.—(1) An account in a form approved by the Department of Finance and Personnel is to be prepared by the Department for every financial year starting with the financial year ending with 31st March 2002.

(2) The account shall be open to examination by the Comptroller and Auditor General."

5. In regulation G2 –

(a) at the beginning of paragraph (4)(a) insert "subject to paragraph (aa),":

(b) after paragraph (4)(a) insert the following new sub-paragraph –

"(aa) the closing balance in the account for the financial year ending on 31st March 2001 as determined by the Government Actuary by reference to the value of the scheme assets mentioned in regulation G4(6),":

(c) for paragraph (4)(e) substitute the following –

"the notional investment income for the financial year on the balance in the account.":

(d) after paragraph (4)(e) insert the following –

"(5) For the purposes of paragraph (4)(e), the notional investment income for the financial years commencing on or after 1st April 2001 shall be determined by the Government Actuary and derived using a percentage return as specified from time to time by the Government Actuary."

6. In regulation G3 after sub-paragraph (e) insert the following sub-paragraph –

"(f) increases payable under the Pensions (Increase) Act (Northern Ireland) 1971(**6**)."

7. For regulation G4 substitute the following –

"**Actuarial Review**

G4.—(1) The Government Actuary shall, from time to time, make an actuarial review on the position in relation to the account as at the date determined by the Department ("the review date").

(1A) In making a determination under paragraph (1) the Department shall secure that –

(a) the next review date is no later than 31st March 2001; and

(b) the review date for each subsequent report is no later than 5 years after the previous review date.

(1B) The Government Actuary, with the agreement of the Department, shall specify the funding methodology to be used in making the actuarial review.

(1C) Any determination in relation to an actuarial inquiry made by the Department under paragraph (1) before 1st April 2005 shall have effect as if it were a determination in relation to an actuarial review.

(**6**) 1971 c. 35 (N.I.). Part 1 of the Act has been amended by Article 23(1) of, and paragraphs 8 to 10 of Schedule 6 to the Superannuation (Northern Ireland) Order 1972 (S.I. 1972/1073(N.I. 10)); Articles 5(2) and (3) of the Pensions (Increase) (Northern Ireland) Order 1974 (S.I. 1974/1267 (N.I. 2); Article 74(2) of, and Schedule 6 to the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15) and Article 2 of the Pensions Increase (Reduction of Qualifying Age) Order 1972 (S.R. & O. (N.I.) 1972 No 264)). *See also* Articles 69 and 69A of the Social Security Pensions (Northern Ireland) Order 1975/1503 (N.I. 15) which have effect as if they were contained in Part V of that Act. Article 69A was inserted by the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5) Article 10(3) Part 1 of the Act has also been amended by the Pensions (Miscellaneous Provisions) (Northern Ireland) Order 1990 (S.I. 1990/1509 (N.I. 13)), S.R. 1977 No. 260, S.I. 1987/2203 (N.I. 22), S.I. 1995/313 (N.I. 22) and S.I. 1999/3147 (N.I. 11)