STATUTORY RULES OF NORTHERN IRELAND

2003 No. 86

EDUCATION

Teachers' Superannuation (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2003

Made - - - -	*21st February 2003*
Coming into operation	*1st April 2003*

The Department of Education(**1**), in exercise of the powers conferred upon it by Articles 11(1)(**2**), (2), (2A)(**3**) and (3), 14(1), (2), (3)(**4**) and (3A)(**5**) of and paragraphs 1, 3, 4, 5, 6, 8, 9, 10 and 11 to 13 of Schedule 3 to the Superannuation (Northern Ireland) Order 1972(**6**) 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 appeared to it to be appropriate as required by Article 11(5) of that Order, and with the consent of the Department of Finance and Personnel(**7**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2003.

(2) These Regulations shall come into operation on 1st April 2003 and shall have effect from 1st April 2000.

(3) In these Regulations "the 1996 Regulations" means the Teachers' Superannuation (Additional Voluntary Contributions) Regulations (Northern Ireland) 1996(**8**).

Amendment of 1996 Regulations

2.—(1) In regulation 2(1) of the 1996 Regulations –

(a) there shall be inserted in the appropriate place in alphabetical order –

""Insurance company" means –

(**1**) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(**2**) As amended by S.I. 1990/1509 (N.I. 13) Article 13(1)
(**3**) As inserted by S.I. 1990/1509 (N.I. 13) Article 10(3)
(**4**) As amended by S.I. 1990/1509 (N.I. 13) Article 12(1) and (2)
(**5**) As inserted by S.I. 1990/1509 (N.I. 13) Article 12(3)
(**6**) S.I. 1972/1073 (N.I. 10)
(**7**) Formerly a function of the Department of Finance: *see* S.I. 1982/378 (N.I. 6) Article 3
(**8**) S.R. 1996/260

(a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000(**9**) to effect or carry out contracts of long-term insurance, or

(b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act(**10**), which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of long-term insurance;"

The definition of "insurance company" shall be read with –

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section; and

(c) Schedule 3 to that Act.

""Investment Linked Pension" means a pension which remains investment linked after it becomes payable and which is payable from the proceeds of an annuity policy authorised by the Department for the purposes of these Regulations and managed by an insurance company selected by it".

""pro-rata employment" means employment in respect of which a teacher is paid a proportion of the annual salary that would be appropriate if he were employed in a full-time capacity, but does not include employment in respect of which the remuneration of the teacher is expressed in terms of an hourly rate."

(b) for the definition of "Principal Regulations" there shall be substituted –

""Principal Regulations" means the Teachers" Superannuation Regulations (Northern Ireland) 1998(**11**);";

(c) for the definition of "reckonable service" there shall be substituted –

""reckonable service" has the meaning given to it in regulation D1(1)(a) of the Principal Regulations;".

(d) "the 1977 Regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1977.

(2) In regulation 5 of the 1996 Regulations at the end of paragraph (3)(c)(iii) there shall be added – ", or

(iv) is to be an Investment Linked Pension.".

(3) In regulation 10(1) of the 1996 Regulations for the words "Where a person who enters employment in reckonable service has during previous employment paid contributions to" there shall be substituted "Where a person in pensionable employment has paid contributions to".

(4) In regulation 12 of the 1996 Regulations –

(a) in paragraph (5) for the word "shall" where it first appears there shall be substituted "may";

(b) for the "and" at the end of paragraph (5)(d)(iii) there shall be substituted "or" and thereafter there shall be inserted –

"(iv) is to be an Investment Linked Pension; and"; and

(c) for paragraph (8) there shall be substituted –

"(8) Subject to paragraphs (9) and (10), if the participator has not made an election under paragraph (5) before he attains the age of 75, the Department may on or after his attaining that age realise the investments made under regulation 9(1) or 10(2) and apply

(**9**) S.I. 2000 c. 8
(**10**) *See* Article 477 of S.I. 2001/3649
(**11**) S.R. 1998/333