STATUTORY RULES OF NORTHERN IRELAND

2002 No. 393

EDUCATION

The Teachers' (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations (Northern Ireland) 2002

Made - - - - 18th December 2002

Coming into operation 1st March 2003

The Department of Education, in exercise of the powers conferred by Article 19(1), (3) and (4) of, and paragraph 9 of Schedule 3, to the Superannuation (Northern Ireland) Order 1972(**1**), and of every other power enabling it in that behalf, with the consent of the Department of Finance and Personnel(**2**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Teachers' (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 1st March 2003.

Interpretation

2. In these Regulations "the principal Regulations" means the Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1991(**3**).

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(2) (interpretation)–

(a) for the definition of "delegated budget" there shall be substituted the following definition–

"delegated budget," in relation to a school, has the same meaning as in Part V of the 1989 Order,";

(b) for the definition of "Department" there shall be substituted the following definition–

""Department" means–

(**1**) S.I.1972/1073 (N.I. 10)
(**2**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Article 3
(**3**) S.R. 1991 No. 132

(a) in the case of a person who, immediately before the material date, was employed by a body which either directly or indirectly receives funds from the Department for Employment and Learning, the Department for Employment and Learning;

(b) in the case of a person who, immediately before the material date, was employed by the Juvenile Justice Board or the Secretary of State;

(c) in the case of a person who, immediately before the material date, was employed by a body which either directly or indirectly received funds from the Department of Culture, Arts and Leisure, the Department of Culture, Arts and Leisure;

(d) in the case of all other persons, the Department of Education;";

(c) after the definition of "disqualifying income" there shall be inserted the following definition–

""effective reckonable service" has the same meaning as in the Teachers' Superannuation Regulations (Northern Ireland) 1998(**4**);";

(d) for the definition of " employing authority" there shall be substituted the following definition—

"" employing authority" in relation to an eligible teacher, means a board, the Council, a Board of Governors of a voluntary grammar school or grant maintained integrated school or any other maintained school which is not a Catholic maintained school or the governing body of an institution of further education or other person or body by whom he is employed before the material date;";

(e) after the definition of "grant maintained integrated school" there shall be inserted the following definition–

""institution of further education" has the meaning assigned to it by Article 2(2) of the Further Education (Northern Ireland) Order 1997(**5**);".

(3) For regulation 3(4) (relevant employment) there shall be substituted the following paragraph–

"(4) For the purposes of these Regulations–

(a) employment category A comprises relevant employment–

(i) at a controlled or maintained secondary school (other than a voluntary grammar school), or a controlled grammar school, which for the time being had a delegated budget;

(ii) at a maintained primary school (other than a Catholic maintained or grant-maintained integrated school); or

(iii) at any school formerly within category B or category D which has for the time being been given a delegated budget;

(b) employment category B comprises relevant employment at a controlled or Catholic maintained primary or nursery school which for the time being did not have a delegated budget;

(c) employment category C comprises relevant employment–

(i) at a voluntary primary school which is not a maintained school and which for the time being did not have a delegated budget;

(ii) at a voluntary grammar school;

(**4**) S.R. 1998 No. 333
(**5**) S.I. 1997/1772 (N.I. 15)

(iii) at an institution of further education; or

(iv) at a grant maintained integrated school;

(d) employment category D comprises relevant employment–

(i) at a controlled or Catholic maintained special school; or

(ii) at a voluntary maintained special school;

which did not have a delegated budget;

(e) employment category E comprises relevant employment at any school for which a delegated budget had been suspended under Article 53(1) of the 1989 Order; and

(f) employment category F comprises relevant employment not falling within categories A to E.".

(4) For sub-paragraph (e) of regulation 4(4) there shall be substituted the following sub-paragraph–

"(e) in respect of a person whose employment in employment category C, D or F was terminated in the interest of the efficient discharge of the employer's functions, the Department approves the reason for that termination.".

(5) For sub-paragraph (a) of regulation 5(2) there shall be substituted the following sub-paragraph–

"(a) in the case of a teacher who has ceased to be employed at a controlled school, the appropriate board;"

(6) For regulation 6(1) there shall be substituted the following paragraph–

"**6.**—(1) Subject to the approval of the compensating authority, the deciding authority may within 6 months after the material date, credit an eligible teacher with a period of service not exceeding the shortest of–

(a) the period by which his effective service falls short of 40 years;

(b) the period beginning on the day following the material date and ending with his 65th birthday, less, where paragraph 1 of Part II of the Schedule applies. any period required by paragraph 2 of that Part to be deducted;

(c) the length of his effective service; or

(d) the period specified in Part IA of the Schedule.".

(7) In regulation 17–

(a) in paragraph (2) after the word "school" there shall be inserted the words "or an institution of further education".

(b) in paragraph (3) for sub-paragraph (b) there shall be substituted the following sub-paragraph–

"(b) in consequence of any amalgamation, merger or other arrangement, the school or institute of further education becomes part of another school or institution of further education (the "successor establishment") and ceases to have a separate Board of Governors or governing body, the compensating authority of the teachers employed in the successor establishment (as determined in accordance with paragraph (2)) shall, for the purposes of these Regulations, be the compensating authority in relation to the teacher concerned.".

(8) For Part I of the Schedule there shall be substituted the following Part–