1991 No. 132

EDUCATION

The Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1991

Made . . . . . *28 March 1991*

Coming into operation . . . . . *1 April 1991*

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

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1991 and shall come into operation on 1 April 1991.

Interpretation

2.—(1) In these regulations any reference to, or things done or falling to be done under or for the purposes of, any provision of these regulations is, if and so far as the nature of the reference permits, to be construed as including, in relation to circumstances or purposes in relation to which the corresponding provision in the 1988 Regulations has or had effect, a reference to, or as the case may be to things done or falling to be done under or for the purposes of, that corresponding provision.

(**a**) S.I. 1972/1073 (N.I. 10)
(**b**) Formerly Department of Finance: see S.I. 1982/378 (N.I. 6) Article 3

(2) In these Regulations—

"the 1965 Act" means the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965(**a**);

"the 1971 Act" means the Pensions (Increase) Act (Northern Ireland) 1971(**b**);

"the 1988 Regulations" means the Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (Northern Ireland) 1988(**c**);

"the 1989 Order" means the Education Reform (Northern Ireland) Order 1989(**d**);

"annual allowance" means such an allowance payable under regulation 48(1) of the Superannuation Regulations;

"annual compensation" means annual compensation payable in accordance with regulation 7;

"assumed retirement pension" and "assumed retirement lump sum" are to be construed in accordance with regulation 7(5);

"average salary" has the meaning assigned to it by regulation 6(1) of the Superannuation Regulations;

"board" means an education and library board;

"Catholic maintained school" has the meaning assigned to it by Article 141(3) of the 1989 Order;

"child" in relation to a person means—

(*a*) a child (including an illegitimate child or an adopted child) of that person, or

(*b*) a child accepted by that person as a member of the family and wholly or mainly dependent on him,

who has not attained the age of 17 years or who, having attained the age of 17 years, is receiving full-time education or attending a course of not less than two years' full-time training for a trade, profession or calling; and a person who has continued receiving full-time education after having attained the age of 17 shall be regarded as receiving such education up to (but not including) the first Monday in January, the first Monday after Easter Monday or the first Monday in September next following the end of the term in which in fact he last receives full-time education;
but does not include—

(*a*) a child who is married; or

(*b*) a child who is for the time being in receipt of disqualifying income;

but a person who, being a child as so defined and in receipt of benefit under these regulations, is incapacitated on the day on which, by virtue

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(**a**) 1965 c. 19 (N.I.)
(**b**) 1971 c. 35 (N.I.)
(**c**) S.R. 1988 No. 72
(**d**) S.I. 1989 No. 2406 (N.I. 20)

of this definition, he would otherwise cease to be a child, shall be regarded as continuing to be a child for the purpose of these regulations for so long as that incapacity persists;

and "incapacitated", in relation to a child, means incapacitated during any period in which he is, in the opinion of the Department, incapable by reason of infirmity of the mind or body of earning his livelihood and he is not being maintained out of money provided by or under a statutory provision;

"compensating authority" is to be construed in accordance with regulation 17;

"compensation" means compensation payable in accordance with Parts III and IV;

"the Council" means the Council for Catholic Maintained Schools;

"comparable Northern Ireland service" has the meaning assigned to it by regulation 2(1) of the Superannuation Regulations;

"credited teacher" means an eligible teacher who has been credited with a period of service under regulation 6 and "credited period" means the period with which he has been so credited;

"delegated budget" in relation to a school, other than a technical secondary school, has the same meaning as in Part V of the 1989 Order and, in relation to an institution of further education (including any technical secondary school conducted in association with the institution), has the same meaning as in Part VII of that Order;

"Department" means the Department of Education;

"disqualifying income" means remuneration payable to a person attending a course of full-time training which is payable at a rate not less than that at which an official pension (within the meaning of the 1971 Act) would be payable if the person concerned had been entitled to such a pension at the basic rate of £250 a year which began on 1 April 1972;

"effective service" is to be construed in accordance with regulation 6(2);

"eligible teacher" is to be construed in accordance with regulation 4(3);

"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 manager of a voluntary primary school or other person or body by whom he is employed immediately before the material date;

"former employment", in relation to an eligible teacher or a credited teacher, means relevant employment in which he was engaged immediately before the material date and "former employer" means the person who employed him in that employment;

"grant maintained integrated school" has the meaning assigned to it by Article 65(3) of the Education Reform (Northern Ireland) Order 1989;

"lump sum compensation" means lump sum compensation payable under regulation 7;

"material date", in relation to an eligible teacher or a credited teacher, means the date upon which he ceased to hold his former employment;

"the Miscellaneous Provisions Regulations" means the Teachers' Superannuation (Miscellaneous Provisions No. 2) Regulations (Northern Ireland) 1988(**a**);

"new employment" has the meaning given in regulation 15(2);

"nominated beneficiary", in relation to a deceased credited teacher, means a person who is such for the purposes of Section B of Part III of the Superannuation Regulations;

"reckonable service" and "employment in reckonable service", in relation to any teacher, have the same meaning as in the Superannuation Regulations;

"redundancy payment" means, in relation to the former employment of a credited teacher, the aggregate of—

(*a*) the redundancy payment to which he is entitled under the 1965 Act(**b**);

(*b*) any increase in such a payment paid by the employing authority before 18th August 1986 such that the payment, as so increased, corresponded to that which would have been payable had the Redundancy Payments (Local Government etc) (Modification) (Northern Ireland) Order 1986(**c**) been in operation on the material date, and

(*c*) any compensation which was paid by the former employer under regulation 5, or was of an amount corresponding to that which would have been payable under that regulation if it had been in operation on the material date;

"relevant employment" shall be construed in accordance with regulation 3;

"salary" shall be construed in accordance with regulation 2(7) of the Superannuation Regulations;

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

"teacher" has the meaning assigned to it by regulation 2(1) of the Superannuation Regulations.

(3) In these Regulations:

—controlled school;
—grammar school;
—maintained school;
—nursery school;
—primary school;
—secondary school;

(**a**) S.R. 1988 No. 363
(**b**) 1965 c. 19 (N.I.)
(**c**) S.I. 1986 No. 206
(**d**) S.R. 1977 No. 260 as amended by S.R. 1978 No. 147, S.R. 1978 No. 351, S.R. 1979 No. 380, S.R. 1980 No. 435, S.R. 1981 No. 151, S.R. 1982 No. 346, S.R. 1987 No. 86, S.R. 1987 No. 315, S.R. 1988 No. 64, S.R. 1988 No. 167, S.R. 1988 No. 363, S.R. 1989 No. 25 and S.R. 1989 No. 181