1988 No. 167

EDUCATION

The Teachers' Superannuation (Miscellaneous Provisions) Regulations (Northern Ireland) 1988

Made	*28th April 1988*
Coming into operation . .	*1st June 1988*

The Department of Education, in exercise of the powers conferred on it by Article 11(1) and (2) of, and paragraphs 3, 12 and 13, of Schedule 3 to the Superannuation (Northern Ireland) Order 1972 (''the Order of 1972'')(**a**) and by Article 37(7) and (8) of the Social Security Pensions (Northern Ireland) Order 1975(**b**) 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 by the regulations as appear to it to be appropriate as required by Article 11(5) of the Order of 1972, with the consent of the Department of Finance and Personnel(**c**) hereby makes the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Teachers' Superannuation (Miscellaneous Provisions) Regulations (Northern Ireland) 1988, and shall come into operation on 1st June 1988.

Interpretation

2.—(1) In these regulations ''the principal regulations'' means the Teachers' Superannuation Regulations (Northern Ireland) 1977(**d**).

(2) Other expressions in these regulations have the same meaning as in the principal regulations.

Amendment of the principal regulations

3. The principal regulations shall be amended as provided in regulations 4 to 6.

4. In regulation 21 (purchase of past added years — current provisions) there shall be inserted at the end of paragraph (2)(*c*):—

''and

(**a**) S.I. 1972/1073 (N.I. 10)

(**b**) S.I. 1975/1503 (N.I. 15); Article 37(7) was amended by S.I. 1979/396 (N.I. 5) Article 16 and Schedule 3 and S.I. 1985/1209 (N.I. 16) Article 6 Schedule 3 para. 2. Article 37(8) was amended by S.I. 1985/1209 (N.I. 16) Article 6 and Schedule 3 para. 8. A relevant exception to it was prescribed by S.R. 1985 No. 357 regulation 9

(**c**) Formerly Department of Finance: *see* S.I. 1982/338 (N.I. 6) Article 3. Consent function was transferred from the Department of the Civil Service by S.I. 1982/338 (N.I. 6) Article 4

(**d**) S.R. 1977 No. 260. Relevant amending rules are S.R. 1982 No. 346 and S.R. 1987 No. 315

(*d*) of not less than 30 days unless he elects—

(i) no earlier than the date on which he applies for allowances, to pay contributions by Method B, or

(ii) to pay contributions by Method D.''.

5. In regulation 27 (purchase of current added years) there shall be substituted for paragraph (8):—

''(8) For the purposes only of this regulation a teacher's employment in reckonable service is not discontinued while he is absent from duty during and in consequence of a trade dispute.

(9) Paragraph (8) applies—

(*a*) even if the person was not participating in or financing or otherwise directly interested in the trade dispute, and

(*b*) even if his employer was not a party to the trade dispute.

(10) In this regulation ''trade dispute'' has the meaning given by Article 3 of the Industrial Relations Order (Northern Ireland) 1976(**a**).''.

6. In regulation 91(**b**) the words ''subject to regulation 27(8)'' shall be deleted.

Revaluation of guaranteed minimum in certain cases

7.—(1) This regulation applies where a person has ceased to be employed in reckonable service and has taken a right to a cash equivalent under Schedule 1A to the Social Security Pensions (Northern Ireland) Order 1975(**c**) (''the Pensions Order'') by exercising the option conferred by paragraph 13(2) of that Schedule wholly or partly in the way specified in paragraph 13(2)(*b*) (purchase of annuity).

(2) Where this regulation applies, to the extent that the person's guaranteed minimum is otherwise appropriately secured within the meaning of Article 53C(4) of the Pensions Order(**d**)—

(*a*) for the purposes of Article 37(2) of that Act (amount of guaranteed minimum) the person's earnings factors shall be determined by reference to the last order under Article 23 of that Order to come into force before the end of the tax year in which his service was terminated and without reference to the last such order to come into force before the end of the final relevant year, and

(*b*) the weekly equivalent mentioned in Article 37(2) of that Order shall be increased in accordance with any additional requirements for the time being prescribed for the purposes of Article 47(1)(*b*) (exclusion from liability to pay a limited revaluation premium).

(3) In this regulation ''tax year'' means the 12 months beginning with 6th April in any year and ''final relevant year'' has the meaning given in Article 37(9) of the Pensions Order.

(**a**) S.I. 1976/1043 (N.I. 16) as amended by S.I. 1987/936 (N.I. 9) Article 20

(**b**) Regulation 91 was renumbered by S.R. 1987 No. 76 and further amended by S.R. 1988 No. 64

(**c**) S.I. 1975 No. 1503 (N.I. 15); Schedule 1A was inserted by S.I. 1985/1209 (N.I. 16), Schedule 1, Part II paragraph 3

(**d**) Section 53C was inserted by S.I. 1985/1209 (N.I. 16) Article 4 and Schedule 1, Part 1 paragraph 2, and amended by S.I. 1986/1888 (N.I. 18) Article 6 and Schedule 9, paragraph 17