1987 No. 315

EDUCATION

Teachers' Superannuation (Amendment No. 3) Regulations (Northern Ireland) 1987

Made	*30th July 1987*
Coming into operation . .	*2nd September 1987*

The Department of Education in exercise of the powers conferred on it by Articles 11(1), (2) and 14(1) of, and paragraphs 1, 4, 6, 11, 12 and 13 of Schedule 3 to the Superannuation (Northern Ireland) Order 1972(**a**) 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 said Order, 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' Superannuation (Amendment No. 3) Regulations (Northern Ireland) 1987.

2. These regulations shall come into operation on 2nd September 1987 and shall have effect—

(*a*) for the purposes of Part II as from 1st September 1986;

(*b*) for the purposes of Part III as from 1st April 1987;

(*c*) for the purposes of Part IV as from 2nd September 1987.

Interpretation

3. In these regulations "the principal regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1977(**c**).

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

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

(**c**) S.R. 1977 No. 260. Relevant amending rules are S.R. 1978 No. 147, S.R. 1978 No. 351, S.R. 1980 No. 305, S.R. 1982 No. 346 and S.R. 1987 No.76

PART II

AMENDMENTS HAVING EFFECT AS FROM 1ST SEPTEMBER 1986

4. The principal regulations shall be amended as follows:—

(*a*) In regulation 2(1) (Interpretation) after the definition of "teacher" there shall be added—

" "temporary teacher" means a full-time teacher in respect of whose employment an agreement is not required under Article 70(3) of the Education and Libraries (Northern Ireland) Order 1986(**a**) and who is paid salary for each working day at the rate of 1/190th of the salary which he would receive if he were employed in a permanent capacity;";

(*b*) At the end of regulation 3(2)(*b*) (Reckonable service) the hyphen shall be replaced by the word "or" and there shall be added the following—

"(*c*) in part-time employment in a capacity mentioned in regulation 3A and which is treated as full-time employment by virtue of that regulation and which was subsisting on or commenced on or after 1st September 1986—";

(*c*) In regulation 3(3) for "(*a*) or (*b*)" there shall be substituted "(*a*), (*b*) or (*c*)";

(*d*) After regulation 3 there shall be inserted:—

"*Part-time service*

3A.—(1) There shall be treated as full-time employment the part-time employment in any capacity specified in paragraphs (1), (4) and (6) of Schedule 1 of a teacher not employed in reckonable service who so elects by notice in writing to the Department.

(2) An election for the purposes of this regulation shall have effect from the first day of the month following that in which the Department notifies the teacher of its acceptance or such earlier date as may be approved and may be revoked at any time in writing.

(3) For the purposes of regulation 48 part-time employment to which this regulation applies shall be treated as if it were full-time employment; and for all other purposes of these regulations there shall be treated as reckonable service of the teacher in any financial year the number of days which bears to 365 the same proportion as the salary payable to him (or, in a case falling within regulation 28(1), the salary which in the opinion of the Department he could have expected to receive) during that year bears to the salary which would have been payable to him if he had been employed full-time.

(4) For the purposes of paragraph (3)—

(*a*) no account shall be taken of any allowances or additional payments which were, or would have been payable to the teacher if their exclusion from the salary which was or would have been

(*a*) S.I. 1986/594 (N.I. 3) as amended by S.I. 1987/167 (N.I. 2) Article 8

payable to him would result in the number of days treated as reckonable service being more than they would have been if account had been taken of those allowances or additional payments;

(*b*) any reduction of salary during any such period of absence as is mentioned in regulation 3(3)(*b*) shall be disregarded;

(*c*) a half or greater fraction of a day shall be reckoned as a day and a smaller fraction shall be disregarded; and

(*d*) the total reckonable service of a person in any financial year shall not exceed 365 days.

(5) ''Part-time service'' means—

service during 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 service—

(i) of a teacher to whom an annual allowance is payable under regulation 48(1)(*a*) or (*b*) or 48A or a previous provision to the like effect;

(ii) of a teacher to whom an annual allowance is for the time being payable under regulation 48(1)(*c*) or a previous provision to the like effect;

(iii) during which the remuneration of the teacher is expressed in terms of an hourly rate.

(6) Any question arising under this regulation as to the salary which would have been payable to the teacher if he had been employed full-time shall be determined by the Department.'';

(*e*) In Regulation 6 (Average salary)—

(i) in paragraph (1) for the words ''average salary means'' there shall be substituted:

''Subject to paragraph (7) where a teacher has been in part-time employment, ''average salary'' means—'';

(ii) in paragraph (6) in the definition of ''terminal service'' the words ''subject to paragraph (7) where a teacher has been in part-time employment — '' shall be inserted after ''means'';

(iii) after paragraph (6) there shall be added:

''(7) Where for any period a teacher employed in reckonable service has been in part-time employment (''period of part-time employment'') then paragraph (1) and the definition of ''terminal service'' in paragraph (6) shall have effect as if—

(*a*) during the period of part-time employment he had not been continuously employed in reckonable service but had only been so employed for the number of days treated as reckonable service in his case, in pursuance of regulation 3A(3), by reason of the period in question, but

(*b*) his full salary for the period of part-time employment were in respect of those days (the annual value of his full salary being calculated accordingly where paragraph (1)(*b*) applies);