1987 No. 76

EDUCATION

Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1987

Made	*25th February 1987*
Coming into operation . .	*27th March 1987*

The Department of Education in exercise of the powers conferred on it by Articles 11(1), (2), (3), (6) and 14(1) of, and paragraphs 1, 6, 8, 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) Regulations (Northern Ireland) 1987.

2. These regulations shall come into operation on 27th March 1987 and shall have effect—

(*a*) for the purposes of Part II as from 1st October 1977;

(*b*) for the purposes of Part III as from 1st June 1984;

(*c*) for the purposes of Part IV as from 1st August 1984;

(*d*) for the purposes of Part V as from 1st October 1984;

(*e*) for the purposes of Part VI as from 2nd April 1985;

(*f*) for the purposes of Part VII as from 27th March 1987;

(*g*) for the purpose of Part VIII as from 1st April 1987.

Interpretation

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

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

(b) Formerly Department 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. 351, S.R. 1979 No. 380 and S.R. 1980 No. 305

(2) References in these regulations to a numbered regulation or a numbered schedule in the absence of a provision to the contrary are references to the regulation or schedule so numbered in the principal regulations.

PART II

AMENDMENTS HAVING EFFECT AS FROM 1ST OCTOBER 1977

4. In regulation 6(6) (Average salary) in the definition of "full salary" there shall be inserted after the words "full salary" the words "in relation to a teacher whose salary is reduced during absence on sick or maternity leave means salary at the annual rate at which it would have been paid but for such reduction, and".

5. The following provisions (which relate to the provisions in regulation 56 excluding periods of further service of less than 365 days from the requirement to recalculate annual allowances where a teacher to whom such an allowance has become payable is again employed in reckonable service) shall cease to have effect in relation to any period of further service which was subsisting on 6th April 1978 or commenced on or after that date—

(i) regulation 16(1) and (4) (prescribing the circumstances in which a teacher to whom contributions have been repaid may, on subsequent employment in reckonable service, return them, with interest, to the Department);

(ii) regulation 47(1) (providing for the repayment of contributions on re-employment where no subsequent annual allowance is payable);

(iii) in regulation 47(2)(*b*) the words "(other than such subsequent service as is mentioned in paragraph (1)(*c*))";

(iv) in regulation 56(1) and (3), the words "for not less than 365 days"; and

(v) regulation 56(5);

and the following consequential amendments shall be made in regulation 16—

(*a*) in paragraph (2), for the words "under a provision to which paragraph (1) does not apply" there shall be substituted the words "otherwise than under regulation 47 (as originally made) or a previous provision to the like effect"; and

(*b*) in paragraph (3) for the words "Paragraphs (1) and (2)" there shall be substituted the words "Paragraph (2)".

6. In regulation 45 (Calculation of repayment under regulations 42 to 44) there shall be inserted after paragraph (5) the following paragraph—

"(5A) Where a repayment of contributions is made to a teacher to whom a payment by way of equivalent pension benefits is or will become payable under paragraph 11 of Schedule 8, there shall be deducted from the contributions repaid a sum equivalent to one half of any payment in lieu of contributions which would have been made by the Department in

respect of that teacher under section 59(1) of the National Insurance Act (Northern Ireland) 1966(a) had section 57 of that Act applied.''.

7. In regulation 58(3) (Short term pensions), there shall be inserted after the words ''reckonable service'' the words ''or, where on that date the teacher was absent on sick or maternity leave and the teacher's salary was in consequence reduced, at the annual rate at which it would have been payable but for such reduction''.

8. In Schedule 8 (Modifications Relating to National Insurance) there shall be inserted after paragraph 10, the following paragraph—

''*Equivalent pension benefits*

11. Where any teacher who was employed in non-participating employment attains the age of 60 if a woman or 65 if a man, there shall be paid to that teacher by way of equivalent pension benefits (within the meaning of section 56 of the Act) a sum equal to the actuarial value of an annual allowance at the following rate for each year of reckonable service—

	Man £	*Woman* £
during the period from 3rd April 1961 to 5th January 1964	2·31	1·93
during the period from 6th January 1964 to 5th April 1975	3·48	2·90

but excluding any period of such employment in respect of which—

(*a*) a payment in lieu of contributions has been made to the National Insurance Fund by the Department under section 57 of the Act, or

(*b*) any allowance is payable under regulation 48.

Provided that if on attaining that age the teacher is still employed in reckonable service, such payment shall be deferred until the teacher ceases to be so employed, or to be employed in service which would constitute reckonable service had the teacher not attained the age of compulsory retirement, and regulation 66 shall apply in relation to any sum paid under this paragraph.''.

9. In regulation 56 (Benefits after re-employment)—

(*a*) there shall be inserted in paragraph (3), after the words ''there shall'', the words '', subject to paragraph (4)(*a*),''; and

(*b*) there shall be substituted for sub-paragraph (4)(*a*) the following sub-paragraph—

''(*a*) Where the further service of a teacher is discontinued before he attains the age of 60 otherwise than by reason of incapacity, redundancy or termination of service in the interests of the efficient discharge of his employer's functions, the allowances

(a) 1966 c. 6 (N.I.) as continued in force with modification by S.R. 1975 No. 48

payable by virtue of paragraph (3) shall not be paid until he attains the age of 60.''.

PART III

AMENDMENT HAVING EFFECT AS FROM 1ST JUNE 1984

10. In regulation 2 (Interpretation) in the definition of ''child'' the semi-colon after the words ''profession or calling'' shall be deleted and the following words inserted—

> ''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;''

PART IV

AMENDMENTS HAVING EFFECT AS FROM 1ST AUGUST 1984

Payment of teacher's contributions

11. In regulation 11(4) (Payment of teacher's contributions) for the words ''the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973'' there shall be substituted ''Article 117 of the Education and Libraries (Northern Ireland) Order 1986''(**a**).

Payment of employer's contributions

12. In regulation 12 (Payment of employer's contributions) for the words ''the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973'' there shall be substituted ''Article 117 of the Education and Libraries (Northern Ireland) Order 1986''(**a**).

PART V

AMENDMENT HAVING EFFECT AS FROM 1ST OCTOBER 1984

Schedule 1

13. In paragraph 5 of Part I of Schedule 1 (Service reckonable as such) for the words ''Teacher in the Ulster Polytechnic'' there shall be substituted ''Teacher in the University of Ulster on 1st October 1984 who was employed in reckonable service as a teacher in the Ulster Polytechnic on 30th September 1984 unless he elected by notice in writing served on the Department not later than 30th September 1985, that service with the University of Ulster as from the date specified in the notice, not being later than 1st October 1985, should no longer be reckonable service''.

(a) S.I. 1986/594 (N.I. 3)

PART VI

AMENDMENT HAVING EFFECT AS FROM 2ND APRIL 1985

14.—(1) In regulation 89 (Payments in respect of deceased persons) there shall be substituted for the sum of ''£1,500'' the sum of ''£5,000''.

(2) This regulation shall have effect in relation to deaths occurring on or after 2nd April 1985.

PART VII

AMENDMENTS HAVING EFFECT AS FROM 27TH MARCH 1987

15. In regulation 69 (Allocation of annual allowance)—

(*a*) in paragraph (1)(*b*) for the words ''to him and his wife for their joint lives'' there shall be substituted the words ''payable to him for the joint lives of himself and his wife''; and

(*b*) there shall be inserted after paragraph (7) the following paragraph—

''(8)(*a*) Where a teacher, having given notice to the Department of his intention to retire within four months of service of the notice, delivers a declaration under this regulation to the Department on or after 27th March 1987 and thereafter the annual allowance to which the declaration refers is increased otherwise than in pursuance of any Pensions Increase (Review) Order (whether or not the increase takes effect from a date earlier than the date of delivery of the declaration), the amount allocated by the declaration shall be increased by the same proportion as the increase in the annual allowance bears to the former amount of the allowance, the result being rounded down to the nearest pound; and the amount of the allowance payable to the teacher shall be reduced by the amount of the increased allocation and, in the case falling within paragraph (1)(*b*), the rate of annuity there mentioned shall be increased to take account of the increase in the amount allocated as from the date on which the increase in the allowance takes effect; and on the subsequent death of the teacher the amount of the pension payable in accordance with his declaration shall similarly be increased

(*b*) In this paragraph a ''Pensions Increase (Review) Order'' means an order made under Part I of the Pensions (Increase) Act (Northern Ireland) 1971(**a**).''.

16. In Schedule 5 (Allocation Declarations), paragraph 6—

(*a*) in sub-paragraph (1) the words ''Subject to paragraph (2)'', shall be deleted;

(*b*) sub-paragraph (2) shall be deleted and sub-paragraph (3) shall be renumbered sub-paragraph (2).

(a) 1971 c. 35 (N.I.) as amended by Article 69 of the Social Security Pensions (Northern Ireland) Order 1975 S.I. 1975/1503 (N.I. 15)