1982 No. 346

EDUCATION

Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1982

Made	*25th October 1982*
Coming into operation . . .	*1st December 1982*

The Department(a) of Education in exercise of the powers conferred on it by Articles 11(1), (2), (5) and (6) of and Schedule 3(1), (11), (12) and (13) to the Superannuation (Northern Ireland) Order 1972(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 appeared 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(c), hereby makes the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1982.

(2) These regulations shall come into operation on 1st December 1982.

Interpretation

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

Purchase of past added years

3. For regulations 21 and 22 of the principal regulations (Purchase of past added years) there shall be substituted the regulations set out in Appendix 1 hereto.

Method I contributions

4. For regulation 23(2) to 23(5) of the principal regulations (Method I contributions) there shall be substituted the following provisions:—

"(2) In relation to a teacher paying contributions by method I who ceases to be employed in full-time reckonable service (including such a teacher who dies while so employed) paragraph 6 of Part I of Schedule 1A shall have effect as if any reference therein—

(*a*) to the past period were a reference to the period the teacher elected to purchase;

(*b*) to the period of contribution were a reference to a period referred to in paragraph (1);

so, however, that the reference to Table 2 in sub-paragraph 3(*b*)(iii) of the said paragraph 6, as it has effect as aforesaid, shall be construed as a reference to Table 2 in Schedule 2.".

(a) Formerly Ministry: *see* Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)
(b) S.I. 1972/1073 (N.I. 10)
(c) Formerly Ministry of Finance: *see* Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1) and S.I. 1982/338 (N.I. 6) Art. 3
(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. 305, S.R. 1980 No. 435, S.R. 1981 No. 151, S.R. 1982 No. 12 and S.R. 1982 No. 162

Deduction from terminal sum

5. In regulation 41(2) of the principal regulations (deduction from terminal sum) for the words "in accordance with table 2 of Schedule 2 as outstanding for payment" there shall be substituted the words "by reference to Table 2 in Part I of Schedule 1A equal to the product of the amount of his contributions for a year at the rate at which they were last payable and the number specified in the second column of that Table opposite the period specified in the first column thereof which corresponds to the unexpired part of the period first mentioned in this paragraph so, however, that where that unexpired part is not a whole number of years the number arrived at by interpolation shall be taken to be that so specified in the Table.".

Purchase of past added years – current provisions

6. After Schedule 1 to the principal regulations there shall be inserted the Schedule set out in Appendix 2 hereto.

Purchase of past added years – preserved provisions

7.—(1) For the heading to Schedule 2 to the principal regulations there shall be substituted the heading "Purchase of past added years — preserved provisions".

(2) In paragraph 3 of the said Schedule 2 after the words "paying additional contributions" there shall be inserted the words "under sections B and C of Part II".

(3) For paragraph 4 of the said Schedule 2 (and the note following thereon) there shall be substituted the following provision:—

"4. An election made as mentioned in regulation 22 may be varied by a subsequent election to pay contributions at a higher rate, subject however to the preceding paragraphs; and such a subsequent election shall have effect—

(*a*) as from the next following anniversary of the date from which (in accordance with regulation 23(1)) contributions at the original rate were payable, or

(*b*) where the teacher has previously and before 1st December 1982 elected to pay contributions at a rate higher than the original rate, as from the next following anniversary of the date from which (in accordance with this paragraph as then in force) contributions at that higher rate were payable.".

(4) For Table 2 in the said Schedule 2 (including the prefatory paragraph and the note to that Table) there shall be substituted the following Table:—

"TABLE 2 Regulations 23(2) and 41(2)

DEDUCTIONS

Period in years	*Relevant number*
1	0·990
2	1·961
3	2·913
4	3·846
5	4·760
6	5·657
7	6·536
8	7·398
9	8·244
10	9·072
11	9·884
12	10·681
13	11·461
14	12·227
15	12·977
16	13·713
17	14·434
18	15·141
19	15·835
20	16·514"

Sealed with the Official Seal of the Department of Education on 25th October 1982.

(L.S.) *T. Johnston*
Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 25th October 1982.

(L.S.) *J. S. H. Gaw*
Assistant Secretary

APPENDIX 1 Regulation 3

REGULATIONS SUBSTITUTED FOR REGULATIONS 21 AND 22 OF THE PRINCIPAL REGULATIONS

Purchase of past added years – current provisions

21.—(1) This regulation shall apply in the case of a teacher—

(*a*) save as provided in paragraph (8), who is employed in reckonable service and to whom allowances have not become payable by virtue of regulation 48(1)(*a*) or (*b*), otherwise than by virtue of regulation 48A, and

(*b*) save where paragraph (11) applies, who first became employed in reckonable service before attaining the age of 55 years,

for the purpose of enabling him, on or after 1st December 1982, to elect that such a past period as is mentioned in paragraph (2) should, as hereinafter provided, count as reckonable service subject to his paying the appropriate contributions.

(2) The past period referred to in paragraph (1) is one falling before the date of the election being a period—

(*a*) falling after the teacher attained the age of 20 years and before his attaining the age of 60 years;

(*b*) during which he was not employed in full-time reckonable service, and

(*c*) if he has become entitled to allowances by virtue of regulation 48A, falling before the date on which his employment was terminated as mentioned in that regulation,

and any reference in this regulation to a past period shall be construed accordingly:

Provided that, where the teacher is entitled to count reckonable service by virtue of such a period, for the purposes hereof account shall be taken only of so much (if any) of that period as exceeds the reckonable service so counting.

(3) In this regulation any reference to—

(*a*) a first election is a reference to an election on or after 1st December 1982 by a teacher who has not, on or after that date, previously exercised his right of election under this regulation;

(*b*) a further election is a reference to an election, on or after that date, other than a first election;

(*c*) the previous election, in relation to a teacher making a further election, is a reference to his most recent previous election, before, on or after that date under this regulation or a previous provision to the like effect.

(4) A teacher exercising his right of election under this regulation shall do so by notice in writing given to the Department which, in the case of a further election to pay contributions by method B or C, this notice shall be given within six months of the teacher last having become employed in reckonable service and, in the case of any election, shall specify—

(*a*) the past period to which the election relates being—

(i) in the case of an election to pay contributions by method A, a period which satisfies paragraph 2 of Part I of Schedule 1A (in the case of a further election, irrespective of whether the period falls before or after the date he made his previous election),

(ii) in the case of an election to pay contributions by method B and the election is a further election, a period which falls after the date he made his previous election,

(iii) in the case of an election to pay contributions by method C, a period which satisfies paragraph 2 of Part III of Schedule 1A and, if the election is a further election, which falls after the date he made his previous election,

(iv) in the case of an election to pay contributions by method D (the election being a further election to which paragraph (8) applies), a period which falls before the date he made his previous election;

(*b*) the method by which he elects to pay appropriate contributions being—

(i) in the case of a further election to which paragraph (8) applies, method D,

(ii) in any other case, method A, B or C, as described in Parts I to IV of Schedule 1A;

and, on his giving notice in accordance with any provision of this paragraph (and paragraph

(5) or (6) where appropriate), subject to and in accordance with the Part of Schedule 1A in question, the appropriate contributions shall be payable by the teacher to the Department.

(5) Where the teacher elects to pay appropriate contributions by method A, the notice shall also—

(*a*) specify a period which satisfies paragraph 2 of Part I of Schedule 1A as that for which he elects to pay contributions;

(*b*) where that period of contribution is such that he cannot complete payment of those contributions until he has attained the age of 64 years and he wishes to reserve the right to make a further election to which paragraph (8) would apply, contain a statement to that effect, and

(*c*) contain a declaration that he has no reason to believe that his health may prevent him from continuing to be employed in reckonable service until he has completed payment of those contributions.

(6) Where the teacher elects to pay appropriate contributions by method C the notice shall also specify a period which satisfies paragraph 2 of Part III of Schedule 1A as that for which he elects to pay contributions.

(7) A teacher exercising his right of election under this regulation, in relation to a specified past period, to pay contributions by method A or method C may, in relation to some other past period, simultaneously elect to pay contributions by method B but, subject as aforesaid, a teacher shall not simultaneously make different elections under this regulation.

(8) This paragraph shall apply in the case of a method D election, that is to say, a further election by a teacher whose last employment in reckonable service is full-time where—

(*a*) his previous election was made on or after 1st December 1982 contributions in pursuance thereof were payable by method A and the notice in relation thereto contained such a statement as is mentioned in paragraph (5)(*b*);

(*b*) those contributions continued to be payable until he had attained the age of 64 years or would have continued to be payable until he had attained that age had he continued to be employed in full-time reckonable service until he attained the age of compulsory retirement, and

(*c*) he gives notice of the further election not earlier than the date on which he applies for allowances but before the date on which he is paid an additional allowance;

and in such case, this regulation shall apply notwithstanding that he may not satisfy the conditions in paragraph (1)(*a*)..

(9) An election for the purposes of this regulation shall be irrevocable by the teacher as from the date a month after that on which the Department confirms in writing that it satisfies the requirements of this regulation; but where he elected to pay contributions by method A—

(*a*) he may, subject to and in accordance with paragraph 5 of Part I of Schedule 1A, shorten the period for which he so elects to pay contributions;

(*b*) if within 12 months of giving the Department notice of his election he becomes incapacitated and fails to satisfy the Department that the declaration referred to in paragraph (5)(*c*) was made in good faith, the Department may direct that the election be of no effect and, in such case, it shall be treated as if it had never been made and contributions paid in pursuance thereof shall be refunded to the teacher.

(10) A teacher who has exercised his right of election under this regulation shall be entitled to count reckonable service as provided in Part I, II, III, or IV of Schedule 1A according as he elected to pay the appropriate contributions by method A, B, C or D.

(11) This paragraph shall apply in the case of an election by a teacher who, at the time he gives notice of his election, is credited with reckonable service in pursuance of regulation 76 or a previous provision to the like effect by reason of a period of comparable Northern Ireland service which he entered before attaining the age of 55 years; and, in such case, this regulation shall apply notwithstanding that he may not have first become employed in reckonable service before attaining that age, as mentioned in paragraph (1)(*b*).

Application of regulation 21(8) (method D) in the case of a deceased teacher

21A.—(1) This regulation shall apply in the case of a teacher—

(*a*) who dies on or after 1st December 1982;