1982 No. 12

EDUCATION

Teachers' Superannuation (Notional Salaries) Regulations (Northern Ireland) 1982

Made	*15th January 1982*
Coming into operation . . .	*1st March 1982*

The Department(a) of Education, in exercise of the powers conferred on it by Articles 11 and 14 of and Schedule 3 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 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 the Civil Service(c), hereby makes the following regulations:

Citation and commencement

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

(2) These regulations shall come into operation on 1st March 1982 and shall have effect—

(*a*) for the purposes of regulations 8 and 9 hereof on and from that date;

(*b*) for all other purposes, on and from 1st April 1979.

Interpretation

2.—(1) In these regulations—

"college of education" has the meaning assigned to it by Article 8(1) of the Education (Northern Ireland) Order 1978(d);

"grant-aided", "peripatetic teacher", "primary school", "secondary school", "special school" and "supply teacher" have the meanings assigned to them in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1972(e);

"institution of further education" has the meaning assigned to it in the Further Education General Regulations (Northern Ireland) 1973(f);

"principal regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1977(g) and the principal regulations and these regulations may be cited together as the Teachers' Superannuation Regulations (Northern Ireland) 1977 to 1982;

"specified scale" means a higher notional scale of salary than the scale from which actual salary was derived, which is selected or derived from the Schedules to these regulations by the Department;

(a) Formerly Ministry: Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)
(b) S.I. 1972/1073 (N.I. 10)
(c) Formerly a function of the Department of Finance: S.R. 1976 No. 281 Art. 3 and Sch. 1
(d) S.I. 1978/1040 (N.I. 10)
(e) S.I. 1972/1263 (N.I. 12)
(f) S.R. & O. (N.I.) 1973 No. 429
(g) S.R. 1977 No. 260 as amended by S.R. 1978 Nos. 147, 351, S.R. 1979 No. 380, S.R. 1980 Nos. 305, 435 and S.R. 1981 No. 151

"1979 salaries regulations" means the Teachers' Salaries Regulations (Northern Ireland) 1978(**a**) as amended up to and including the 1979 amendment;

"1979 further education salaries regulations" means the Institutions of Further Education Salaries Regulations (Northern Ireland) 1976(**b**) as amended up to and including the 1979 amendment;

"1979 college of education salaries regulations" means the College of Education Salaries Regulations (Northern Ireland) 1975(**c**) as amended up to and including the 1979 amendment.

(2) Other expressions which have meanings assigned to them by the principal regulations shall, as the context may require, have the same meanings for the purposes of these regulations.

Application

3. These regulations shall apply to—

(1) A teacher employed in reckonable service at any time during the period on or after 1st April 1979 and ending before 1st September 1980 being—

(*a*) a teacher employed in a grant-aided school; or

(*b*) a teacher employed in an institution of further education; or

(*c*) a peripatetic teacher or a supply teacher employed by an education and library board; or

(*d*) a teacher employed in a college of education.

(2) A teacher to whom regulation 3(1) does not apply employed in reckonable service at any time during the period on or after 1st April 1979 and ending before 1st September 1980 in relation to whom—

(*a*) a specified scale of salary would have applied as at a date not earlier than 1st April 1979, but

(*b*) that specified scale of salary only became fully operative (with or without a further increase therein) on a subsequent date not later than 1st September 1980.

Notional salaries and allowances

4.—(1) For the purpose of calculating superannuation allowances in the case of teachers referred to in regulation 3(1)—

(*a*) the scales of salaries set out in Schedule 1 to the 1979 salaries regulations shall be substituted by the notional scales contained in—

(i) Schedule 1 to these regulations for the period on and from 1st April 1979 up to and including 31st March 1980, and

(ii) Schedule 2 to these regulations for the period on and from 1st April 1980 up to and including 31st August 1980;

(*b*) certain allowances provided for in the 1979 salaries regulations, and set out in column 1 of the table in Schedule 3 to these regulations, shall be substituted by the notional allowances contained in—

(i) column 2 of that table for the period on and from 1st April 1979 up to and including 31st March 1980; and

(ii) column 3 of that table for the period on and from 1st April 1980 up to and including 31st August 1980;

(a) S.R. 1978 No. 129 as amended by S.R. 1979 No. 245
(b) S.R. 1976 No. 141 as amended by S.R. 1977 No. 141, S.R. 1978 No. 153, S.R. 1979 No. 297
(c) S.R. 1975 No. 76 as amended by S.R. 1975 No. 265 and S.R. 1979 No. 315

(*c*) the scales of salaries set out in the tables in Schedule 1 to the 1979 further education salaries regulations shall be substituted by the notional scales contained in—

(i) Schedule 4 to these regulations for the period on and from 1st April 1979 up to and including 31st March 1980, and

(ii) Schedule 5 to these regulations for the period on and from 1st April 1980 up to and including 31st August 1980;

(*d*) certain allowances provided for in the 1979 further education salaries regulations, and set out in column 1 of the table in Schedule 6 to these regulations, shall be substituted by the notional allowances contained in—

(i) column 2 of that table for the period on and from 1st April 1979 up to and including 31st March 1980, and

(ii) column 3 of that table for the period on and from 1st April 1980 up to and including 31st August 1980;

(*e*) the scales of salaries set out in Schedule 1 to the 1979 college of education salaries regulations shall be substituted by the notional scales contained in—

(i) Schedule 7 to these regulations for the period on and from 1st April 1979 up to and including 31st March 1980; and

(ii) Schedule 8 to these regulations for the period on and from 1st April 1980 up to and including 31st August 1980,

(*f*) certain allowances provided for in the college of education salaries regulations, and set out in column 1 of the table in Schedule 9 to these regulations, shall be substituted by the notional allowances contained in—

(i) column 2 of that table for the period on and from 1st April 1979 up to and including 31st March 1980, and

(ii) column 3 of that table for the period on and from 1st April 1980 up to and including 31st August 1980;

(*g*) the cumulative allowance set out in paragraph 1(*e*)(iii) of Schedule 1 (allowances for Principal Lecturers) of the 1979 college of education salaries regulations shall be increased notionally by a further 20% (rounded to the nearest multiple of £3) for the period on and from 1st April 1979 up to and including 31st March 1980 and the notional allowance so determined shall be increased notionally by a further 12% (rounded to the nearest multiple of £3) for the period on and from 1st April 1980 up to and including 31st August 1980.

(2) For the purpose of calculating superannuation allowances in the case of teachers referred to in regulation 3(2) the teacher's salary in respect of any period beginning on or after 1st April 1979 and ending before 1st September 1980 is deemed to be that which he would have received had he then enjoyed the benefit of the specified scale of salary.

Certification by employers

5. For the purposes of these regulations in the case of a teacher referred to in regulation 3(1)(*d*) or in regulation 3(2) the Department shall be entitled to rely upon a certificate given by an authority or persons employing the teacher during any period beginning on or after 1st April 1979 and ending before 1st September 1980 as to whether or not he is a teacher to whom regulation 3(1)(*d*) or, as the case may be, regulation 3(2) applies and as to the salary which he would have received in accordance with regulation 4(1) or, as the case may be, regulation 4(2).

Calculation of benefit or transfer value

6.—(1) Where for the purposes of determining under the principal regulations the amount of any benefit or transfer value payable in the case of a teacher to whom

regulation 3 applies by reference to his salary or average salary, account falls to be taken of sums payable to the teacher in respect of employment in reckonable service in a period beginning on or after 1st April 1979 and ending before 1st September 1980 account shall instead be taken of the sums which would have been so payable in accordance with the scales of salaries mentioned in regulation 4(1) or, the specified scale of salary mentioned in regulation 4(2).

(2) Where paragraph (1) applies for the purpose of determining the amount of any benefit then, in relation to that benefit, section 8(2)(*a*) of the Pensions (Increase) Act (Northern Ireland) 1971(**a**) shall have effect as if the sums last mentioned in paragraph (1) were the teacher's emoluments for the period in question.

(3) Notwithstanding anything in paragraph (1), that paragraph shall not affect the calculation of a teacher's previous salary for the purposes of regulation 70 of the principal regulations (abatement of annual allowance on re-employment).

Current added years

7.—(1) This regulation shall apply to a teacher—

(*a*) in whose case if he had not ceased to be employed in reckonable service, regulation 3 would have applied to him, and

(*b*) who has paid contributions in accordance with regulation 28 of the principal regulations (contributions for current added years) in respect of a period beginning on or after 1st April 1979 and ending before 1st September 1980.

(2) In the case of such a teacher regulation 6(2) of the principal regulations (average salary) shall have effect as if the salary there referred to were, as respects such a period, what it would have been if it had been determined for the purposes of regulation 28 of the principal regulations in accordance with the scales of salaries mentioned in regulation 4(1) or the specified scale of salary mentioned in regulation 4(2).

Reckoning of service for a transfer value received from a non-statutory superannuation scheme

8.—(1) This regulation shall apply to a teacher—

(*a*) who became employed in reckonable service as a teacher to whom regulation 3 applies on or after 1st April 1979 but before 1st September 1980;

(*b*) in whose case the Department receives a transfer value in pursuance of an election made on or after 1st March 1982 by the teacher for the purposes of regulation 76(1) of the principal regulations; and

(*c*) in whose case paragraph 7(*c*) of Part 2 of Schedule 6 to the principal regulations (reckoning of service where a transfer value is received and the teacher's former superannuation scheme was not a statutory one and is not treated as such) applies for the purposes of calculating the reckonable service with which he is to be credited.

(2) Where under the said paragraph 7(*c*) account falls to be taken of the teacher's full salary at the rate payable to him on the day on which he became employed in reckonable service, account shall instead be taken of the full salary which would have been so payable in accordance with the scales of salaries mentioned in regulation 4(1) or the specified scale of salary mentioned in regulation 4(2).

Reckoning of service for a transfer value received from a statutory superannuation scheme

9.—(1) Save as provided in paragraph (2), in paragraph 7(*b*)(i) of Part 2 of Schedule 6 to the principal regulations (reckoning of service where a transfer value is received and the teacher's former superannuation scheme was a statutory one or is

(a) 1971 c. 35 (N.I.)

treated as such) for the words "as the salary payable to him, on the last day on which he was a member of that scheme; and" there shall be substituted the words "as the salary (whether actual or notional) by reference to which the transfer value paid to the Department was calculated; and".

(2) The said paragraph 7(*b*)(i) shall have effect as if this regulation had not been made where the transfer value is received by the Department in pursuance of an election made before 1st March 1982 by the teacher for the purposes of regulation 76(1) of the principal regulations.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 15th January 1982.

(L.S.) *A. E. Hawthorne*
Assistant Secretary

The Department of the Civil Service for Northern Ireland hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of the Civil Service for Northern Ireland on 15th January 1982.

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