1980 No. 435

EDUCATION

Teachers' Superannuation (Amendment No. 2) Regulations (Northern Ireland) 1980

Made . . . . . *1st December 1980*

Coming into operation . . . *31st December 1980*

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 (Amendment No. 2) Regulations (Northern Ireland) 1980.

(2) These regulations shall come into operation on 31st December 1980 and shall have effect on and from 1st April 1980.

Interpretation

2. In these regulations a reference to the principal regulations is a reference to the Teachers' Superannuation Regulations (Northern Ireland) 1977(**d**).

Protected benefit

3.—(1) This regulation shall be construed as one with the principal regulations and the reference in paragraph (2) to protected benefit is a reference to any benefit which is being paid or may become payable under the principal regulations to or in respect of a teacher who is not employed in reckonable service on or after 31st December 1980 whether or not such teacher died before that date.

(2) Where in relation to a protected benefit a person is placed in a position worse than that in which he would have been placed had the principal regulations not been amended by these regulations he may, by notice in writing given to the Department, elect that the principal regulations shall have effect in relation to him as if these regulations had not been made and if he shall so elect the principal regulations shall have such effect.

Modification for National Insurance

4. For regulation 7 of the principal regulations (Modification for National Insurance) there shall be substituted:—

"*Modification for National Insurance*

7.—(1) This regulation shall apply to a teacher with reckonable service before 1st April 1980.

(**a**) Formerly Ministry: 1973 c. 36 s. 40 and 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 (II, p. 1339) Art. 3 and Sch. 1
(**d**) S.R. 1977 No. 260 (II, p. 1375). These regulations were amended by S.R. 1978 No. 147 (I, p. 493), S.R. 1978 No. 351 (II, p. 1280), S.R. 1979 No. 380 (II, p. 1574) and S.R. 1980 No. 305

(2) The provisions of Schedule 8 shall have effect in relation to such a teacher.''.

Transfer values

5. For sub-paragraphs (*a*), (*b*) and (*c*) of paragraph 4 of Schedule 6 to the principal regulations (Transfer values) there shall be substituted:—

''(*a*) if paragraph 3 of Schedule 8 applies to him, £1.70 for each year of his service before 1st April 1980;

(*b*) if paragraph 4, 6, 7 or 8 of Schedule 8 applies to him, the amount by which an annual allowance payable to him would fall to be reduced under the paragraph in question.''.

Reckonable service

6.—(1) In paragraph 6 of Schedule 6 to the principal regulations (service reckonable where a transfer value is received) for the words ''would enable'' there shall be substituted the words ''under these regulations as in force at the date the transfer value was received, would have enabled'' and after the words ''a transfer value'' there shall be inserted the words ''(''the hypothetical transfer value'')''.

(2) For paragraph 7(*a*) of Schedule 6 to the principal regulations there shall be substituted:—

''(*a*) in the case of a teacher who, after ceasing to be subject to the superannuation scheme referred to in paragraph 6, first entered employment in reckonable service on or after 1st April 1980, the hypothetical transfer value shall be treated as one in respect of a former teacher whose annual allowance would not fall to be reduced under any provision of Schedule 8.

(*aa*) in the case of a teacher who so first entered employment in reckonable service before that date, the hypothetical transfer value shall be treated as one in respect of an existing teacher within the meaning of the Modification Regulations if, but only if, the teacher himself either—

(i) is entitled by virtue of the Modification Regulations to be treated as such an existing teacher, or

(ii) was formerly subject to a statutory superannuation scheme under which he was not subject to modification of superannuation benefits on account of flat-rate national insurance;

and in this sub-paragraph the expression ''Modification Regulations'' has the same meaning as in Schedule 8;''.

Reduction of superannuation contributions

7. Paragraph 2 of Schedule 8 to the principal regulations (Reduction of superannuation contributions) is hereby revoked.

Reduction of allowances

8. For paragraphs 3 and 4 of Schedule 8 to the principal regulations (Reduction of allowances) there shall be substituted:—

''*Reduction of allowances*

3.—(1) An annual allowance payable in the case of a retired teacher who—

(*a*) by virtue of the Modification Regulations or of interchange provisions was subject to the modifications of the Acts of 1950 to 1967 made by those regulations and applicable to new entrants within the meaning of those regulations; or