1980 No. 305

EDUCATION

Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1980

Made . . . . . *9th September 1980*

Coming into operation . . . *27th October 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:

PART I

GENERAL

Citation and commencement

1.—(1) These regulations may be cited as the Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 1980.

(2) These regulations shall come into operation on 27th October 1980 and shall have effect:

(*a*) for the purposes of Part II thereof, on and from 1st October 1977;

(*b*) for the purposes of Part III thereof, on and from 6th April 1978;

(*c*) for the purposes of Part IV thereof, on and from 27th October 1980.

Interpretation

2.—(1) In these regulations the "principal regulations" means the Teachers' Superannuation Regulations (Northern Ireland) 1977(d) and the principal regulations and these regulations may be cited together as the Teachers' Superannuation Regulations (Northern Ireland) 1977 to 1980.

(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.

Protected benefits

3.—(1) The reference in paragraph (2) of this regulation 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 27th October 1980 whether or not such teacher died before that date.

(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) as amended by S.R. 1978 No. 147 (I, p. 493), S.R. 1978 No. 351 (II, p. 1280) and S.R. 1979 No. 380 (II, p. 1574)

(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 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.

PART II

AMENDMENTS HAVING EFFECT ON AND FROM 1st OCTOBER 1977

Amendments to interpretation of principal regulations

4.—(1) In regulation 2(1) (Interpretation) in the definition of the expression—

"age of compulsory retirement" the words "the age at" shall be inserted after "means",

"previous provision" the words "a provision contained in, or made under" shall be inserted after "means" and the word "and" shall be inserted after "Northern Ireland".

(2) After regulation 2(3) there shall be inserted:

"(3A) For the purposes of these regulations a teacher is qualified, or qualified by service, for a benefit if, on the day following his ceasing to be employed in reckonable service, he is entitled to payment thereof or would be so entitled but for his age.

(3B) For the purposes of these regulations a teacher shall be taken to cease to be employed in reckonable service on the last day he is so employed.".

Reckonable service

5.—(1) In regulation 3(3) (Reckonable service) for "A teacher shall be treated as being in full-time employment for the purpose of paragraphs (1) and (2)" there shall be substituted "For the purposes of paragraph (2), a teacher shall be treated as being in such employment as is mentioned in sub-paragraphs (*a*) or (*b*) thereof as the case may be".

(2) For regulation 3(3)(*b*) there shall be substituted:

"(*b*) he is on sick leave or, in the case of a woman, sick leave or maternity leave, in respect of which he is in receipt of salary either at the full rate or a proportion thereof; or"

Payment of teacher's contributions

6. For regulation 11 (Payment of teacher's contributions) there shall be substituted the regulation set out in Annex 1 to these regulations.

Method 3 contributions

7. In regulation 25(5)(*b*) (Method 3 contributions) "applies" shall be substituted for "apply".

Benefits after re-employment

8.—(1) In regulation 56(1) (Benefits after re-employment)—

(*a*) for "have become payable by virtue of regulation 48(1)(*a*) or (*b*) or a previous provision to the like effect " there shall be substituted "other than incapacity allowances, have become payable";

(*b*) for the words following "reduced" in sub-paragraph (*b*) there shall be substituted "as provided in paragraph (4A).".

(2) In regulation 56(3)—

(*a*) for "allowances have become payable by virtue of regulation 48(1)(*c*) or a previous provision to the like effect" there shall be substituted "incapacity allowances have become payable";

(*b*) for the words following "reduced" in sub-paragraph (*b*) there shall be substituted "as provided in paragraph (4A).".

(3) After regulation 56(4) there shall be inserted:

"(4A) In the case of a teacher to whom there has become payable—

(*a*) an additional allowance (by virtue of regulation 48(1) (*a*), (*b*) or (*c*) or this regulation), or

(*b*) short-service gratuity (by virtue of regulation 52);

(which additional allowance or short-service gratuity is hereinafter termed "previous benefit") and who has again become employed in reckonable service, any additional allowance or short-service gratuity which subsequently becomes payable to him shall be reduced by the amount of his previous benefit, any deduction therefrom under regulation 36 or 41 being disregarded".

(4) After regulation 56(5) there shall be added:

"(6) In this regulation—

(*a*) a reference to an incapacity allowance is a reference to an allowance payable by virtue of regulation 48(1)(*c*) or by virtue of paragraph (3) of this regulation in the circumstances mentioned in paragraph (4)(*a*);

(*b*) except where the context otherwise requires, a reference to any provision of these regulations includes a reference to a previous provision to the like effect.".

Interpretation of section B

9. At the end of regulation 57(e) (Interpretation of section B) there shall be added:

"(*e*) "non-member" has the meaning assigned thereto by regulation 32.".

Special pension for widow

10. In regulation 63(*b*) (Special pension for widow) the words "(within the meaning of section C of Part II)" shall be omitted.

Allocation of annual allowance

11.—(1) For regulation 69(3) (Allocation of annual allowance) there shall be substituted:

"(3) No declaration shall take effect in the case of a teacher before he has—

(*a*) attained (subject to paragraph (7)) the age of 60, and

(*b*) completed so much service as is specified in regulation 48(1)(*a*) or (*b*);

but notice of intention to make an allocation may be given (for the purposes of paragraph 3(*a*) of Schedule 5) at any time within, but not earlier than, the four months preceding the earliest date on which a declaration could take effect under this paragraph.".

(2) In regulation 69(4)(*a*) the words "or that of his sixtieth birthday, whichever is the later"(**f**) shall be omitted.

(**e**) Amended by S.R. 1978 No. 351 (II, p. 1280) Reg. 13
(**f**) Inserted by S.R. 1978 No. 147 (I, p. 493) Reg. 3(k)(ii)

(3) In regulation 69(6) after "begins to accrue or"(g) there shall be inserted "(subject to paragraph (7))".

(4) At the end of regulation 69 there shall be added:

"(7) In the case of a teacher to whom regulation 48A applies, paragraphs (3)(*a*) and (6), shall have effect as if the references therein to the age of sixty and the teacher's sixtieth birthday were references to the age of fifty and his fiftieth birthday.".

PART III

AMENDMENTS HAVING EFFECT ON AND FROM 6th APRIL 1978

Transfer values

12.—(1) For paragraph 1 of Part 1 of Schedule 6 (Transfer values) there shall be substituted the following provision (which as respects the period before 1st April 1979 shall have effect subject to paragraph (2) below):

"**1.**—(1) Subject to sub-paragraphs (2) to (5), the transfer value payable in respect of any teacher shall be of the aggregate amount of—

(*a*) a sum in respect of accrued gross pension reduced on account of national insurance modification by a sum calculated in accordance with paragraph 4;

(*b*) a sum in respect of accrued lump sum, and

(*c*) a sum in respect of accrued widow's pension,

calculated, in each case, in accordance with paragraph 2.

(2) Where a contributions equivalent premium (within the meaning of Article 44 of the Social Security Pensions (Northern Ireland) Order 1975)(**h**) is paid in respect of the teacher, the transfer value calculated in accordance with sub-paragraph (1) shall be reduced by the amount of that premium.

(3) Where the teacher ceased to be employed in reckonable service on or after 6th April 1978 and such a contributions equivalent premium is not paid in respect of him, the transfer value calculated in accordance with sub-paragraph (1) shall be reduced by the annual value of his guaranteed minimum allowance at the date he ceased to be employed in reckonable service multiplied by the factor set opposite his age at that date in the second column (or, in the case of a woman, in the third column) of the Table in Appendix I; and for the purposes of this sub-paragraph the annual value of a guaranteed minimum allowance shall be taken to be the weekly value thereof multiplied by 52.18.

(4) Where the teacher ceased to be employed in reckonable service on or after 1st April 1977 and the transfer value is not paid before the expiry of the period of 6 months beginning with the day after the date on which he so ceased to be employed, the transfer value calculated as aforesaid shall be increased by compound interest thereon, in respect of each complete period of 3 months on and after that date ending before the date of payment, calculated with 3 monthly rests at the rate of 9 per cent per annum.

(5) Where the teacher ceased to be employed in reckonable service before 1st April 1977, the transfer value calculated in accordance with sub-paragraph (1) shall be increased by compound interest thereon—

(g) Inserted by S.R. 1978 No. 147 (I, p. 493) Reg. 3(k)(iii)
(h) S.I. 1975/1503 (N.I. 15)

(*a*) in respect of each complete period of a year after the date on which he so ceased to be employed and ending before 1st April 1977, calculated with yearly rests at the rate of 6 per cent per annum, and

(*b*) in respect of each complete period of 3 months on and after 1st April 1977 and ending before the date of payment, calculated with 3 monthly rests at the rate of 9 per cent per annum.''.

(2) As respects the period beginning on 6th April 1978 and ending immediately before 1st April 1979 paragraph 1 of Part 1 of Schedule 6, as substituted by paragraph (1) of this regulation, shall have effect as if for sub-paragraphs (4) and (5) thereof there were inserted:

''(4) The transfer value calculated as aforesaid shall be increased by compound interest thereon, in respect of each complete period of a year beginning with the day after the date on which the teacher ceased to be employed in reckonable service and ending before the date of payment, calculated with yearly rests at the rate of 6 per cent per annum.''.

Altered Appendices

13.—(1) After Part 2 of Schedule 6 there shall be inserted the Appendix styled Appendix I set out in Annex 2 to these regulations.

(2) The existing Appendix to Schedule 6 shall be restyled Appendix II.

(3) For the reference to Appendix in Note 1 to Part 1 of Schedule 6 there shall be substituted a reference to Appendix II.

PART IV

AMENDMENTS HAVING EFFECT ON AND FROM 27th OCTOBER 1980

Modification of regulation 19 in certain cases

14. For regulation 20 (Modification of regulation 19 in certain cases) there shall be substituted the regulation set out in Annex 3 to these regulations.

Interpretation of section C

15. In regulation 32 (Interpretation of section C) the definition of the expression ''notional service'' shall be omitted.

Repayment on cessation of employment

16.—(1) In regulation 42(2) (Repayment on cessation of employment) after ''a teacher'' there shall be inserted ''who ceased to be employed in reckonable service before 6th April 1980 and''.

(2) In regulation 42(3) after ''a teacher'' there shall be inserted ''who ceased to be employed in reckonable service before 6th April 1980''.

Repayment at age of compulsory retirement

17.—(1) In regulation 43(2) (Repayment at age of compulsory retirement) after ''a teacher'' there shall be inserted ''who ceased to be employed in reckonable service before 6th April 1980 and''.

(2) In regulation 43(3) after ''a teacher'' there shall be inserted ''who ceased to be employed in reckonable service before 6th April 1980''.

Calculation of repayment under regulations 42 to 44

18.—(1) In regulation 45(1) (Calculation of repayment under regulations 42 to 44) for ''of the contributions paid by the teacher'' there shall be substituted ''sum''.